



# भारत का राजपत्र The Gazette of India

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 24 ]  
No. 24 ]

नई दिल्ली, शनिवार, जून 15, 2002/ज्येष्ठ 25, 1924\*  
NEW DELHI, SATURDAY, JUNE 15, 2002/JYAISTHA 25, 1924

इस भाग में मिला पृष्ठ संख्या की जाती है जिससे कि यह अलग संकलन के रूप में  
रखा जा सके

Separate paging is given to this Part in order that it may be filed as a  
separate compilation

## भाग II—खण्ड 3—उप-खण्ड (II) PART II—Section 3—Sub-Section (II)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांख्यिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्मिक, लोक-शिक्षायात तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 31 मई, 2002

का.या. 1943:—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (अधिनियम संख्या-25/1946) की धारा 5 की उप-धारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आपराधिक रिट याचिका संख्या 5979/2000 में माननीय उच्च न्यायालय पटना द्वारा दिनांक 12-02-2001 को दिए गए आदेश के अन्तर्गत, केन्द्रीय कारागार, बेऊर, पटना में कैदी राजेश कुमार उर्फ राजू यादव की हत्या से संबंधित कदमकुआं पुलिस थाना और फुलवारी पुलिस थाना में दर्ज क्रमशः दिनांक 4-4-2000 का अपराध संख्या 188/2000 और दिनांक 20-02-2000 का यू.डी. मामला संख्या 7/2000 के संबंध में भारतीय दंड संहिता 1860 की धारा 304/34 के तहत दंडनीय अपराधों और ऊपर वर्णित अपराधों से संबंधित अथवा संसक्त

प्रयत्न, बुझेरण और पड़यन्त्र तथा वैसे ही संव्यवहार के अनुक्रम में किया गया अथवा किए गए अथवा उन्हीं तथ्यों से उद्भूत किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण बिहार राज्य के संबंध में करती है।

[संख्या 228/7/2002-ए.बी.डी.-II]

परमा नन्द, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel & Training)

New Delhi, the 31st May, 2002

S.O. 1943.—In exercise of the powers conferred by sub-section (1) of Section 5 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946),

the Central Government as per the order dated 12-2-2001 of the Hon'ble High Court Judicature at Patna in Crl. Writ Petition No. 5979 of 2000, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Bihar for investigation of offences punishable under section 304/34 Indian Penal Code 1860 and attempt abetment and conspiracy in relation to or in connection with the said offences and any other offence/offences committed in the course of the same transaction or arising out of the same facts of Crime No. 188/2000 dated 4-4-2000 lodged in Kadamkuan Police Station and Phulwari PS UD Case No. 7/2000 dated 20-2-2000 relating to the murder of prisoner Rajesh Kumar alias Raju Yadav in Central Jail, Beur, Patna.

[No. 228/7/2002-AVD-II]

PARMA NAND, Under Secy.

नई दिल्ली, 3 जून, 2002

का.आ. 1944:—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उत्तर प्रदेश राज्य सरकार की अधिसूचना सं. 2967 पी/6पी-3-2002-15(49)पी/2002 दिनांक 02 जून, 2002 द्वारा प्राप्त उत्तर प्रदेश राज्य सरकार की सहमति से पुलिस स्टेशन बिहारी गढ़, जिला महारनपुर, उत्तर प्रदेश में दर्ज अपराध मामला सं. 71 दिनांक 24-05-2002 में बन्धु जीव (संरक्षण) अधिनियम (1972 का सं. 53) की धारा 9, 49, 49ए, 51 के अधीन दंडनीय अपराधों और उपर्युक्त अपराधों में से एक अथवा अधिक से संबंधित अथवा संसक्त प्रयत्नों, बुद्धियों और षड्यंत्र तथा उसी संव्यवहार के अनुक्रम में किए गए अथवा उन्हीं तथ्यों से उद्भूत किसी अन्य अपराध के अन्वेषण के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तार सम्पूर्ण उत्तर प्रदेश राज्य पर करती है।

[सं. 228/38/2002-ए.वी.डी.-II]

परमा नन्द, अवर सचिव

New Delhi, the 3rd June, 2002

S.O. 1944.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946

(Act No. 25 of 1946), the Central Govt. with the consent of the State Govt. of Uttar Pradesh, Home (Police) Section-3 vide notification No. 2967 P/6-P-3-2002-15(49)P/2002 dated June 2, 2002 hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Uttar Pradesh for investigation of offences punishable under section 9, 49 49 A, 51 of Wild Life (Protection) Act (No. 53 of 1972) registered at PS Bihari Garh, Distt. Saharanpur, UP vide Crime Case No. 71 dated 24-5-2002 and attempts, abetments and conspiracy in relation to or in connection with one or more of the offences mentioned above and any other offence committed in the course of same transaction or arising out of the same facts.

[No. 228/38/2002-AVD-II]

PARMA NAND, Under Secy.

नई दिल्ली, 4 जून, 2002

का.आ. 1945:—केन्द्रीय सरकार एतद्वारा दंड प्रक्रिया संहिता, 1973 (1974 का अधिनियम सं. 2) की धारा 24 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अधिवक्ताओं को तमिलनाडु राज्य में विचारण न्यायालयों में निदेशक, के.अ.ब्यूरो द्वारा उन्हीं मौपि गए दिल्ली विशेष पुलिस स्थापना (के.अ.ब्यूरो) द्वारा संस्थान मामलों के अभियोजन तथा विधि द्वारा स्थापित पुनरीक्षण अथवा अपील न्यायालयों में इन मामलों से उद्भूत अपीलों/पुनरीक्षणों अथवा अन्य विषयों का संचालन करने के लिए विशेष लोक अभियोजक के रूप में नियुक्त करती है:—

सर्वश्री

1. के.ई. वेंकटरमण
2. एन. रंगनाथन
3. एन. चंद्र शेखरन
4. जी. सौंदरा राजन
5. वी.टी. वेंकटेशन
6. जी. जयाचंद्रन
7. पी.एन. प्रकाश

8. एम. अनंतराजा

विदेश मंत्रालय

9. एस. मोहनराम

नई दिल्ली, 31 मई, 2002

[सं० 225/17/2000-ए०वो०डी०-II]

परमा नन्द, अवर सचिव

New Delhi, the 4th June, 2002

S.O. 1945.—In exercise of the powers conferred by Sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (Act No. 2 of 1974), the Central Government hereby appoints the following Advocates as Special Public Prosecutors for conducting the prosecution of cases instituted by the Delhi Special Police Establishment (CBI) in the State of Tamil Nadu as entrusted to them by the Director, Central Bureau of Investigation, in the trial Courts and appeals/revisions or other matter arising out of these cases in revisional or appellate Courts established by law.

S/Shri

1. K.V. Venkataraman
2. N. Ranganathan
3. N. Chandra Sekharan
4. G. Soundara Rajan
5. V. T. Venkatesan
6. G. Jayachandran
7. P. N. Prakash
8. M. Anantharajah
9. S. Mohanram

[No. 225/17/2000-AVD-II]

PARMA NAND, Under Secy.

का.आ. 1946:— राजभाषा नियम (संघ के शासकीय प्रयोजनों के लिए प्रयोग) 1976 (यथासंशोधित, 1987) के नियम 10 के उप-नियम (4) के अनुसरण में केन्द्रीय सरकार का विदेश मंत्रालय एतद्वारा निम्नलिखित पासपोर्ट कार्यालयों को अधिसूचित करता है, जिनके 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यभाषक ज्ञान प्राप्त कर लिया है :—

- (1) पासपोर्ट कार्यालय, थाणे
- (2) पासपोर्ट कार्यालय, बंगलूर

[सं. क्यू/हिन्दी/621/47/90]

सुनील कुमार श्रीवास्तव, उप सचिव (हिन्दी)

MINISTRY OF EXTERNAL AFFAIRS

New Delhi, the 31st May 2002

S.O. 1946.—In pursuance of Sub-rule 4 of rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976 (as amended 1987) the Central Government, Ministry of External Affairs hereby notifies the following Passport Offices, wherein more than 80 per cent staff have acquired working knowledge of Hindi :—

- (i) Passport Office, Thane
- (ii) Passport Office, Bangalore.

[No. Q/Hindi/621/47/90]

SUNIL KUMAR SRIVASTAVA, Dy. Secy.  
(Hindi)

कोयला तथा खान मंत्रालय

(कोयला विभाग)

नई दिल्ली, 4 जून, 2002

का.आ. 1947:— केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियमावली, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में, कोयला और

खान मंत्रालय, कोयला विभाग के अधीन कोल इंडिया लि. की सहायक कंपनी भारत कोकिंग कोल लि. (मुख्यालय) धनबाद को, जिसके 80% से अधिक कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है।

[सं. ई-12019/1/99-हिन्दी]

गार्गी मुखर्जी, निदेशक

## MINISTRY OF COAL AND MINES

(Department of Coal)

New Delhi, the 4th June, 2002

S.O. 1947.—In pursuance of Sub-rule (4) of the Rule 10 of the Official Languages (Use for Official Purposes, of the Union) Rules, 1976, the Central Government hereby, notifies the Bharat Coking Coal Limited (H.Q.), Dhanbad, a subsidiary of Coal, India Limited under the Department of Coal, Ministry of Coal and Mines, whereof more than 80 per cent staff have acquired working knowledge of Hindi.

[No. E-12019/1/99-Hindi]

GARGI MUKHERJEE, Director

संचार एवं प्रौद्योगिकी मंत्रालय

(डाक विभाग)

(डाक जीवन बीमा निदेशालय)

नई दिल्ली, 31 मई, 2002

का.प्रा. 1948:—राष्ट्रपति “ग्रामीण डाक जीवन बीमा के अन्तर्गत विकलांग व्यक्तियों के लिए जीवन बीमा हेतु, विशेष स्कीम” नामक एक स्कीम सहर्ष प्रवर्तित करते हैं जिसकी विशेषताएं निम्नलिखित होंगी:—

(1) इस स्कीम के अन्तर्गत सकल बीमित राशि 20,000 रु. (बीस हजार रुपये) मात्र प्रति व्यक्ति होगी।

(2) इस स्कीम के अन्तर्गत पालिसी लेने हेतु अधिकतम आयु वही होगी, जो ग्रामीण डाक जीवन बीमा के अन्तर्गत संगत बीमा योजना प्राप्त करने हेतु सामान्य व्यक्ति पर लागू होती है।

(3) पालिसी लेने के समय आयु की गणना करने की विधि सहित, स्कीम पर लागू अन्य निबंधन एवं शर्तें डाकघर बीमा निधि नियमावली, यथा सामयिक संशोधित (समसंख्यक अधिसूचना दिनांक 20-8-1997 के ज़रिए विगत संशोधित) के नियम 14(3) के अनुरूप होंगी।

(4) यह स्कीम इस अधिसूचना के प्रकाशन की तारीख से लागू होगी।

[सं. 26-82/89-एलआई]

वी. पति, उप-महाप्रबन्धक, (डाक जीवन बीमा)

## MINISTRY OF COMMUNICATIONS AND INFORMATION TECHNOLOGY

(Department of Posts)

(Directorate of Postal Life Insurance)

New Delhi, the 31st May, 2002

S.O. 1948.—The President is pleased to introduce a Scheme to be known as “Special Scheme of Life Insurance for Physically Handicapped Persons under Rural Postal Life Insurance (RPLI)” with the following features:—

(1) The aggregate sum assured under the Scheme shall be Rs. 20,000 (Rupees twenty thousand) only per person.

(2) The maximum age for taking a policy under the Scheme shall be the same as applicable to a normal person under RPLI obtaining for the relevant Insurance Plan.

(3) Other terms and conditions applicable to the Scheme including the manner of computation of age at the time of taking the policy shall be the same as contained in Rule 14(3) of Post Office Insurance Fund Rules as amended from time to time (amended last vide Notification No. even dated 20-8-1997).

(4) The Scheme shall come into force w.e.f. the date of publication of this Notification.

[No. 26-82/89-LI]

V. PATI, Dy. General Manager (PLI)



## पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 7 जून, 2002

का. आ. 1949.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 80 तारीख 09 जनवरी, 2002 द्वारा गुजरात राज्य में जामनगर से मध्यप्रदेश राज्य में भोपाल तक जामनगर-भोपाल पाइपलाइन परियोजना के माध्यम से पुनः गैसीकृत द्रवित प्राकृतिक गैस के परिवहन के लिए गैस ट्रांसपोर्टेशन और इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड द्वारा पाइपलाइन बिछाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी ;

और, उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 7 मार्च 2002 को उपलब्ध करा दी गई थीं ;

और, सक्षम प्राधिकारी ने उक्ते अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने उक्त रिपोर्ट पर विचार करने के पश्चात् और यह समाधान हो जाने पर कि उक्त भूमि पाइपलाइन बिछाई जाने के लिए अपेक्षित है, उसमें उपयोग के अधिकार का अर्जन करने का विनिश्चय किया है ;

अतः, अब केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है ;

और, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में पाइपलाइन बिछाई जाने के लिए उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए, सभी वित्तीयों से मुक्त गैस ट्रांसपोर्टेशन और इन्फ्रास्ट्रक्चर कम्पनी लिमिटेड में निहित होगा।

## अनुसूची

तहसील : देपालपुर

जिला : इन्दीर

राज्य : मध्यप्रदेश

गांव का नाम

सर्वे नंबर

हेक्टर

क्षेत्रफल  
आरे

सेन्टीयर

1	2	3	4	5
1. रुनायदा	51/1/15	0	1	90
	51/1/14A	0	3	40
	51/1/14B	0	4	80
	51/1/13	0	12	0
	51/1/7	0	21	10
	51/1/8	0	11	85
	68/2	0	2	0
	65/2	0	47	75
	65/1	0	3	90
	63	0	2	50
	60	0	0	30
2. खिरेली	2/1	0	22	90
	4/4	0	4	90
3. एकतासा	138/2	0	8	95
	162	0	11	45
	165	0	24	30
	163/2	0	24	60
	164	0	9	20
	159/1	0	48	60
	158/1	0	17	75
	158/3	0	19	20
	158/6	0	18	5
	158/7	0	15	90
	158/4	0	25	50
	158/5	0	29	10
	158/8	0	16	10
	158/9	0	14	5
	158/10	0	25	80
	158/11	0	21	5
	167/2	0	27	90
	167/1	0	2	15
	168	0	60	85
	182/2	0	14	65
	184/2	0	1	0
	184/5	0	19	45
	184/1	0	36	30
	185/2	0	34	55

1	2	3	4	5
4. बेगंदा	139	0	48	0
	135/3	0	14	50
	135/4	0	51	85
	135/5	0	9	40
	134	0	15	10
	125/5	0	7	60
	133	0	28	55
	129/1	0	9	75
	128/2	0	12	80
	129/2	0	1	65
	127	0	24	0
	117/1	0	32	60
	117/1	0	1	25
	117/1	0	16	25
	117/2	0	30	80
	116/2	0	0	30
	115	0	0	35
	114	0	0	35
	109	0	11	55
	111	0	13	90
	110	0	26	20
	108	0	33	55
	102/1	0	7	25
	102/3	0	1	40
	103	0	42	70
	93/3	0	32	40
	93/3	0	4	20
	93/3	0	3	20
	87/1	0	21	90
	88	0	0	40
	87/10	0	29	25
	87/11	0	21	50
	89	0	4	15
	82/1	0	60	40
	82/2	0	33	85
	81/1	0	14	65
	81/2	0	9	75
	81/3	0	13	40
	81/4	0	11	5
	77/2	0	15	15
	81/5	0	8	10
	81/6	0	9	30

1	2	3	4	5
बेगदा (निरंतर)	77/3	0	39	45
	77/4	0	15	10
	75	0	25	40
	56/1	0	47	80
	56/2	0	11	55
	59/1	0	39	5
	61/1	0	5	20
	60/1	0	79	75
	60/2	0	4	60
	62/2	0	14	15
6 अहिरवास	339/1	0	1	5
6 खजराया	1/1	0	5	80
	5/2/2	0	13	20
	5/2/1	0	21	90
	5/1	0	1	5
	17/1	0	10	95
	4/3	0	15	85
	19/1	0	18	35
	19/2	0	18	45
	19/3	0	14	75
	19/4	0	20	15
	69	0	49	35
	68/1	0	22	50
	54	0	30	65
	37/2	0	0	95
	37/3	0	10	30
	52	0	8	70
	49/1	0	12	15
	49/2	0	23	50
	49/3	0	1	90
	47	0	9	25
	46	0	10	0
	45	0	2	15
	42/1/1	0	36	25
	42/1/2	0	2	20
	218/2	0	18	10
	241/1	0	10	40
	241/2	0	31	55
	285	0	56	65
	284/1/1/1	0	22	30
	273/1	0	2	5
	273/5	0	2	30

1	2	3	4	5
खजराया (निरंतर)	273/2	0	0	55
	272/4	0	45	15
7. तकीपुरा	140/1	2	22	80
	140/1	0	5	5
	140/1	1	7	75
	140/1	0	4	15
	128/1	0	32	30
	95	0	11	55
	128/1	0	40	30
	65	0	4	0
	64/1/1	}	0	19
	64/1/2			
	64/2	0	18	55
	64/3	0	15	85
	61/1	0	3	90
	60	0	34	10
	59/1	0	4	0
	59/3	0	2	45
	57/1	0	0	15
	57/1	0	0	35
	57/1	0	0	30
	56	0	0	25
	29/1	0	0	10
	29/1	0	11	40
	29/2	0	4	45
	28/2	0	2	55
	32	0	11	50
	33/1	0	16	85
	33/2	0	1	5
	20/2	0	18	90
	20/3	0	6	70
	33/2	0	15	80
	35/1	0	0	65
	231/3	0	1	45
	231/4	0	10	15
	231/5	0	6	35
	230/1	0	1	10
	232	0	49	0
	234	0	1	25
	236/1	0	1	25
	220	0	13	50
	226	0	1	10

1	2	3	4	5
तकीपुरा (निरंतर)	221/1	0	7	80
	224/1	0	30	0
	223	0	36	70
	264/2	0	24	70
	264/1	0	11	25
	264/3	0	21	0
	259/1	0	24	20
	259/2	0	25	95
	263	0	1	80
	260	0	6	45
	246/6	0	9	45
8 देपालपुर	1098/4/1	0	2	50
	1098/4/1	0	0	60
	1098/4/1	0	9	55
	1098/4/2	0	0	15
	1098/4/2	0	0	10
	1098/4/2	0	5	20
	1142/6	0	21	35
	1142/2	0	19	95
	1142/5	0	27	80
	1141	0	71	25
	1128	0	0	5
	1138/3	0	58	95
	1138/3	0	0	10
	1138/3	0	0	20
	1134	0	0	85
	1134	0	0	50
	1134	0	16	70
	1135	0	29	30
	1136/2	0	4	15
9 बरोली होज	158	0	39	25
	157/2	0	11	45
	157/1	0	6	35
	157/4	0	0	95
	157/3	0	17	30
	158	0	4	85
	158	0	0	85
	158	0	14	20
	160	0	9	50
	3	0	24	65
	5	0	28	75
	7	0	11	70

1	2	3	4	5
बरोली होज (निरंतर)	8	1	11	20
	9	0	4	60
	151	0	0	95
	10	0	32	30
	13/4	0	32	60
	13/2	0	9	75
	44/1	}	1	0
	44/2			
	43	0	31	40
	37/3	0	9	0
	38	0	4	80
	54	0	8	95
	129	0	28	35
	128	0	48	15
	137/1/1B	0	22	90
	137/2	0	3	60
	137/3	0	22	90
	138	0	24	5
	140	0	51	10
	104/4	0	20	70
10. गुरखेडा	5/1	0	29	25
	5/2	0	28	0
	6	0	7	40
	7	0	7	70
	14/1	0	6	55
	14/2	0	9	5
	15/1	0	6	60
	15/2	0	7	75
	23	0	6	20
	24	0	5	25
	31	0	4	10
	32	0	4	90
	39	0	7	60
	40	0	3	80
	49/2	0	4	25
	50/1	0	6	55
	55	0	5	90
	56	0	8	90
	63	0	5	20
	64/1	0	2	95
	64/1	0	0	65
	64/1	0	25	45

1	2	3	4	5
मुख्यदा (निरंतर)	73/3	0	19	25
	74/3	0	28	5
	80	0	28	10
	81	0	11	65
	82	0	6	0
	87/3	0	9	30
	87/4	0	3	30
	88	0	9	5
	89/1	0	12	40
	94	0	1	15
	95	0	29	95
	115	0	0	45
	114/1	0	3	45
	114/2	0	2	0
	98/1	0	0	5
	113/1	0	9	10
	113/2	0	3	80
	99/1	0	4	55
	99/2	0	0	15
	112/1	0	0	40
	112/2	0	3	60
	100	0	4	85
	101/1	0	8	40
	101/2	0	1	10
	102/2	0	8	70
	103/1	0	1	50
	106	0	0	25
	105/1	0	7	80
	105/2	0	3	75
	218	0	83	95
	221	0	28	15
	317/1	0	22	90
	313/1/1	0	59	70
	313/2/1	0	14	20
	313/2/2	0	0	20
	312/1	0	0	55
	312/2	0	10	40
	312/3	0	21	15
	312/4	0	56	70
	312/4	0	0	75
	312/4	0	1	40
	311	0	44	95



1	2	3	4	5
गुरखेड़ा (निरंतर)	721/1	0	0	5
	721/2	0	5	40
	776/1	0	68	80
	777	0	42	90
	303	0	25	0
	778	0	6	30
	780	0	20	80
	781	0	37	0
	782	0	27	25
	783	0	27	20
	784	0	22	25
	301/2/2	0	24	55
	301/4	}	20	50
	301/5/2			
	788/1	0	40	90
	789/1	0	4	15
11. अहिरखेड़ी	6/2	0	7	95
	8/1	0	30	65
	9	0	30	75
	23/1	0	9	40
	23/2	0	21	75
	60/2	0	32	5
	23/1	0	2	75
	22/2	0	16	75
	66	0	17	15
	69/1	0	27	45
	69/2	0	17	15
	69/3	0	16	80
	69/4	0	28	95
	68	0	1	90
	70/1/2	0	20	5
	71/2	0	0	20
	71/3	0	6	10
	70/1/1	0	16	0
	71/2	0	23	15
	72	0	36	0
	78	0	1	65
	81/3	0	8	55
	81/2	0	9	65
	81/1	0	9	20
	81/1	0	0	15
	82/1	0	5	15

1	2	3	4	5
अहिरखेड़ी (निरंतर)	82/2	0	0	15
	82/1	0	2	55
	82/2	0	0	75
	82/1	0	3	30
	82/2	0	8	90
	82/3	0	5	10
	83/1	0	8	90
	83/2	0	15	75
	83/3	0	9	5
	83/5	0	11	0
	287/3	0	3	55
	287/4	0	11	0
	297/1	0	2	70
	295	0	0	5
	297/2	0	3	15
	317/2	0	9	80
	299	0	2	45
	298	0	2	5
	298	0	4	55
	317/1	0	2	75
	316	0	6	0
	320/1	}	1	35
	320/2			
	329	0	7	40
	331	0	4	35
	330	0	11	90
	353	0	10	80
	352	0	7	45
	355/1	0	0	85
	355/3	0	9	10
	358/1	0	4	75
	358/2	0	3	55
	351	0	0	75
	378/1	0	4	75
	378/2	0	3	20
	377	0	2	80
	373	0	5	85
	374	0	24	75
	375	0	2	20
	128	0	12	50

1	2	3	4	5
अहिरखेड़ी (निरंतर)	125/1	0	26	95
	122/1	0	20	15
	122/2	0	6	70
	382	0	26	65
	383	0	24	0
	384/1	0	18	65
	387	0	0	50
	138	0	13	65
12. पालड़ी	1/2	0	6	15
	23/2	0	47	15
	25	0	24	65
	26/3	0	28	80
	26/6	0	19	95
	26/5	0	35	80
	29	0	46	30
	30	0	51	30
	237/2	0	33	90
	235	0	29	20
	234	0	9	70
	249/2	0	35	10
	251/1	0	30	60
	276/2	0	38	0
	276/1	0	38	10
	277/1	0	6	95
	277/2	0	14	85
	315	0	19	35
	314	0	4	20
	316	0	87	75
	317	0	1	65
	313/2	0	3	65
	313/1	0	1	0
	312	0	0	60
	310/3	0	33	65
	312	0	0	15
	310/2	0	0	35
13. भिर्जापुर	1/3	0	5	75
	8	0	60	55
	6/3	0	30	70
	6/4	0	2	25
	6/2	0	36	60
	6/5	0	2	95
	21/4	0	24	25

1	2	3	4	5
मिर्जापुर (निरंतर)	21/2	0	29	45
	23/1	0	20	20
	23/2	0	29	30
	25/2	0	16	40
	25/5	0	17	10
	25/3	0	23	55
	25/6	0	3	15
	25/4	0	14	25
	47/1	0	1	40
	30/1	0	23	45
	30/2	0	21	80
	28	0	1	95
	45	0	2	80

[फा. सं. एल. 14014/32/2001-जी.पी.]

स्वामी सिंह, निदेशक

## Ministry of Petroleum and Natural Gas

New Delhi, the 7th June, 2002

S. O. 1949.— Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 80, dated the 9th January, 2002, issued under sub-section (1) of section 3 of the Petroleum and Minerals pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transport of regassified liquefied natural gas through the Jamnagar-Bhopal Pipeline Project from Jamnagar in the State of Gujarat to Bhopal in the State of Madhya Pradesh by Gas Transportation and Infrastructure Company Limited;

And whereas copies of the said Gazette notification were made available to the public on the 7<sup>th</sup> March, 2002;

And whereas the competent authority has, under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And whereas the Central Government has after considering the said report and on being satisfied that the said land is required for laying the pipeline decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired, for laying the pipeline;

And further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land for laying the pipeline shall, instead of vesting in the Central Government, vest, on the date of publication of the declaration, in the Gas Transportation and Infrastructure Company Limited, free from all encumbrances.

**SCHEDULE****Tehsil : Depalpur****District : Indore****State: Madhya Pradesh****Name of the Village****Survey No****AREA****Hectare Are C-Are**

1	2	3	4	5
<b>1. RUNAVADA</b>	51/1/15	0	1	90
	51/1/14A	0	3	40
	51/1/14B	0	4	80
	51/1/13	0	12	0
	51/1/7	0	21	10
	51/1/8	0	11	85
	66/2	0	2	0
	65/2	0	47	75
	65/1	0	3	90
	83	0	2	50
	80	0	0	30
<b>2. KHIRELI</b>	2/1	0	22	90
	4/4	0	4	90
<b>3. EKTASA</b>	138/2	0	8	95
	162	0	11	45
	165	0	24	30
	163/2	0	24	60
	164	0	9	20
	159/1	0	46	60
	158/1	0	17	75
	158/3	0	19	20
	158/6	0	18	5
	158/7	0	15	90
	158/4	0	25	50
	158/5	0	20	10
	158/8	0	16	10
	158/9	0	14	5
	158/10	0	25	80
	158/11	0	21	5
	167/2	0	27	90
	167/1	0	2	15
	168	0	60	85
	182/2	0	14	65
	184/2	0	1	0
	184/5	0	19	45
	184/1	0	36	30
	185/2	0	34	55

1	2	3	4	5
4 BEGANDA	139	0	48	0
	135/3	0	14	50
	135/4	0	51	85
	135/5	0	9	40
	134	0	15	10
	125/5	0	7	60
	133	0	28	55
	129/1	0	9	75
	128/2	0	12	80
	129/2	0	1	65
	127	0	24	0
	117/1	0	32	60
	117/1	0	1	25
	117/1	0	16	25
	117/2	0	30	80
	116/2	0	0	30
	115	0	0	35
	114	0	0	35
	109	0	11	55
	111	0	13	90
	110	0	26	20
	108	0	33	55
	102/1	0	7	25
	102/3	0	1	40
	103	0	42	70
	93/3	0	32	40
	93/3	0	4	20
	93/3	0	3	20
	87/1	0	21	90
	88	0	0	40
	87/10	0	29	25
	87/11	0	21	50
	89	0	4	15
	82/1	0	60	40
	82/2	0	33	85
	81/1	0	14	65
	81/2	0	9	75
	81/3	0	13	40
	81/4	0	11	5
	77/2	0	15	15
	81/5	0	8	10
	81/6	0	9	30
	77/3	0	39	45
	77/4	0	15	10
	75	0	25	40
	56/1	0	47	80

1	2	3	4	5
BEGANDA(Cont'd)	58/2	0	11	55
	59/1	0	39	5
	61/1	0	5	20
	60/1	0	79	75
	60/2	0	4	60
	62/2	0	14	15
5. AHIRWAS	339/1	0	1	5
6. KHAJRAYA	1/1	0	5	80
	5/2/2	0	13	20
	5/2/1	0	21	90
	5/1	0	1	5
	17/1	0	10	95
	4/3	0	15	85
	19/1	0	18	35
	19/2	0	18	45
	19/3	0	14	75
	19/4	0	20	15
	69	0	49	35
	68/1	0	22	50
	54	0	30	65
	37/2	0	0	95
	37/3	0	10	30
	52	0	8	70
	49/1	0	12	15
	49/2	0	23	50
	49/3	0	1	90
	47	0	9	25
	46	0	10	0
	45	0	2	15
	42/1/1	0	36	25
	42/1/2	0	2	20
	218/2	0	18	10
	241/1	0	10	40
	241/2	0	31	55
	285	0	56	65
	284/1/1/1	0	22	30
	273/1	0	2	5
	273/5	0	2	30
	273/2	0	0	55
	272/4	0	45	15
7. TAKIPURA	140/1	2	22	80
	140/1	0	5	5
	140/1	1	7	75
	140/1	0	4	15
	128/1	0	32	30
	95	0	11	55

1	2	3	4	5
<b>TAKIPURA (Cont'd)</b>	128/1	0	40	30
	85	0	4	0
	64/1/1	}	19	35
	64/1/2			
	64/2	0	18	55
	64/3	0	15	85
	61/1	0	3	90
	60	0	34	10
	59/1	0	4	0
	59/3	0	2	45
	57/1	0	0	15
	57/1	0	0	35
	57/1	0	0	30
	56	0	0	25
	29/1	0	0	10
	29/1	0	11	40
	29/2	0	4	45
	28/2	0	2	55
	32	0	11	50
	33/1	0	16	85
	33/2	0	1	5
	20/2	0	18	90
	20/3	0	6	70
	33/2	0	15	80
	35/1	0	0	65
	231/3	0	1	45
	231/4	0	10	15
	231/5	0	6	35
	230/1	0	1	10
	232	0	49	0
	234	0	1	25
	236/1	0	1	25
	220	0	13	50
	226	0	1	10
	221/1	0	7	80
	224/1	0	30	0
	223	0	36	70
	264/2	0	24	70
	264/1	0	11	25
	264/3	0	21	0
	259/1	0	24	20
	259/2	0	25	95
	263	0	1	80
	260	0	6	45
	246/6	0	9	45



1	2	3	4	5
8. DEPALPUR	1098/4/1	0	2	50
	1098/4/1	0	0	60
	1098/4/1	0	9	55
	1098/4/2	0	0	15
	1098/4/2	0	0	10
	1098/4/2	0	5	20
	1142/6	0	21	35
	1142/2	0	19	95
	1142/5	0	27	80
	1141	0	71	25
	1128	0	0	5
	1138/3	0	56	95
	1138/3	0	0	10
	1138/3	0	0	20
	1134	0	0	85
	1134	0	0	50
	1134	0	16	70
	1135	0	29	30
	1136/2	0	4	15
9. BAROLI HOJ	156	0	39	25
	157/2	0	11	45
	157/1	0	6	35
	157/4	0	0	95
	157/3	0	17	30
	158	0	4	85
	158	0	0	85
	158	0	14	20
	160	0	9	50
	3	0	24	65
	5	0	28	75
	7	0	11	70
	8	1	11	20
	9	0	4	60
	151	0	0	95
	10	0	32	30
	13/4	0	32	60
	13/2	0	9	75
	44/1	}	1	0
	44/2			
	43	0	31	40
	37/3	0	9	0
	38	0	4	80
	54	0	8	95
	129	0	28	35
	126	0	48	15
	137/1/1B	0	22	90

1	2	3	4	5
<b>BAROLI HOJ (Cont'd)</b>	137/2	0	3	80
	137/3	0	22	90
	138	0	24	5
	140	0	51	10
	104/4	0	20	70
<b>10. MURKHEDA</b>	5/1	0	29	25
	5/2	0	28	0
	6	0	7	40
	7	0	7	70
	14/1	0	6	55
	14/2	0	9	5
	15/1	0	6	80
	15/2	0	7	75
	23	0	6	20
	24	0	5	25
	31	0	4	10
	32	0	4	90
	39	0	7	80
	40	0	3	80
	49/2	0	4	25
	50/1	0	6	55
	55	0	5	90
	58	0	8	90
	63	0	5	20
	64/1	0	2	95
	64/1	0	0	65
	64/1	0	25	45
	73/3	0	19	25
	74/3	0	28	5
	80	0	28	10
	81	0	11	65
	82	0	6	0
	87/3	0	9	30
	87/4	0	3	30
	88	0	9	5
	89/1	0	12	40
	94	0	1	15
	95	0	29	95
	115	0	0	45
	114/1	0	3	45
	114/2	0	2	0
	98/1	0	0	5
	113/1	0	9	10
	113/2	0	3	80
	99/1	0	4	55
	99/2	0	0	15

1	2	3	4	5
<b>MURKHEDA(Cont'd)</b>	112/1	0	0	40
	112/2	0	3	60
	100	0	4	85
	101/1	0	8	40
	101/2	0	1	10
	102/2	0	8	70
	103/1	0	1	50
	106	0	0	25
	105/1	0	7	80
	105/2	0	3	75
	218	0	83	95
	221	0	28	15
	317/1	0	22	90
	313/1/1	0	59	70
	313/2/1	0	14	20
	313/2/2	0	0	20
	312/1	0	0	55
	312/2	0	10	40
	312/3	0	21	15
	312/4	0	58	70
	312/4	0	0	75
	312/4	0	1	40
	311	0	44	95
	721/1	0	0	5
	721/2	0	5	40
	776/1	0	68	80
	777	0	42	90
	303	0	25	0
	778	0	6	30
	780	0	20	80
	781	0	37	0
	782	0	27	25
	783	0	27	20
	784	0	22	25
	301/2/2	0	24	55
	301/4	0	20	50
	301/5/2	0	20	50
	788/1	0	40	90
	789/1	0	4	15
<b>11. AHIRKHEDI</b>	6/2	0	7	95
	8/1	0	30	65
	9	0	30	75
	23/1	0	9	40
	23/2	0	21	75
	60/2	0	32	5
	23/1	0	2	75

1	2	3	4	5
<b>AHIRKHEDI (Cont'd)</b>	22/2	0	18	75
	66	0	17	15
	69/1	0	27	45
	69/2	0	17	15
	69/3	0	18	80
	69/4	0	28	95
	68	0	1	90
	70/1/2	0	20	5
	71/2	0	0	20
	71/3	0	6	10
	70/1/1	0	16	0
	71/2	0	23	15
	72	0	38	0
	78	0	1	65
	81/3	0	8	55
	81/2	0	9	65
	81/1	0	9	20
	81/1	0	0	15
	82/1	0	5	15
	82/2	0	0	15
	82/1	0	2	55
	82/2	0	0	75
	82/1	0	3	30
	82/2	0	6	90
	82/3	0	5	10
	83/1	0	8	90
	83/2	0	15	75
	83/3	0	9	5
	83/5	0	11	0
	287/3	0	3	55
	287/4	0	11	0
	297/1	0	2	70
	295	0	0	5
	297/2	0	3	15
	317/2	0	9	60
	299	0	2	45
	298	0	2	5
	296	0	4	55
	317/1	0	2	75
	316	0	6	0
	320/1	}	1	35
	320/2			
	329	0	7	40
	331	0	4	35

1	2	3	4	5
<b>AHIRKHEDI (Cont'd)</b>	330	0	11	90
	353	0	10	80
	352	0	7	45
	355/1	0	0	85
	355/3	0	9	10
	356/1	0	4	75
	356/2	0	3	55
	351	0	0	75
	378/1	0	4	75
	378/2	0	3	20
	377	0	2	80
	373	0	5	85
	374	0	24	75
	375	0	2	20
	126	0	12	50
	125/1	0	26	95
	122/1	0	20	15
	122/2	0	6	70
	382	0	26	65
	383	0	24	0
	384/1	0	18	65
	387	0	0	50
	138	0	13	65
<b>12. PALADI</b>	1/2	0	6	15
	23/2	0	47	15
	25	0	24	65
	26/3	0	28	80
	26/6	0	19	95
	26/5	0	35	80
	29	0	46	30
	30	0	51	30
	237/2	0	33	90
	235	0	29	20
	234	0	9	70
	249/2	0	35	10
	251/1	0	30	60
	276/2	0	38	0
	276/1	0	38	10
	277/1	0	6	95
	277/2	0	14	85
	315	0	19	35
	314	0	4	20
	316	0	87	75
	317	0	1	65
	313/2	0	3	65
	313/1	0	1	0

1	2	3	4	5
<b>PALADI (Cont'd)</b>	312	0	0	60
	310/3	0	33	65
	312	0	0	15
	310/2	0	0	35
<b>13. MIRJAPUR</b>	1/3	0	5	75
	8	0	60	55
	6/3	0	30	70
	6/4	0	2	25
	6/2	0	36	60
	6/5	0	2	95
	21/4	0	24	25
	21/2	0	29	45
	23/1	0	20	20
	23/2	0	29	30
	25/2	0	16	40
	25/5	0	17	10
	25/3	0	23	55
	25/6	0	3	15
	25/4	0	14	25
	47/1	0	1	40
	30/1	0	23	45
	30/2	0	21	80
	28	0	1	95
	45	0	2	80

[No. L. 14014/32/2001-G.P.]  
SWAMI SINGH, Director

नई दिल्ली, 10 जून, 2002

का. आ. 1950.— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग-11, खंड-3, उपखंड (ii) तारीख 21 जुलाई, 2001 के पृष्ठ 3507 से पृष्ठ 3516 पर प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या क. आ. 1706 तारीख 16 जुलाई, 2001 में निम्नलिखित संशोधन करती है, अर्थात:-

उक्त अधिसूचना की अनुसूची में पृष्ठ 3510 पर स्तम्भ 1 में आने वाले गांव "मजादर" के सामने स्तम्भ 2 में आने वाले सर्वेक्षण संख्या "233" में स्तम्भ 3 में आने वाले उपखंड "1" में स्तम्भ 4, 5 और 6 में आने वाले "0.0.20" क्षेत्र के स्थान पर "0.10.14" क्षेत्र रखा जाएगा।

फा. सं. आर. 25011/21/2001/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 10th June, 2002

**S. O. 1950.**—In exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. number 1706, dated the 16<sup>th</sup> July, 2001, published at pages 3507 to 3516 in Part II, section 3, sub-section (ii) of the Gazette of India, dated the 21<sup>st</sup> July, 2001, namely:-

In the Schedule to the said notification, at page 3515, against village "Majadar" occurring in column 1, in Survey No "233" occurring in column 2, in sub-division No. "1" occurring in column 3, for the area "0-00-20" occurring in columns 4, 5 and 6, the area "0-10-14" shall be substituted

[F. No. R-25011/21/2001 OR-I.]

S. S. KEMWAL, Under Secy.

नई दिल्ली, 10 जून, 2002

**का. आ. 1951.**— केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खंड (क) के अनुसरण में नीचे दी गई अनुसूची के स्तम्भ (1) में उल्लिखित व्यक्ति को उस अनुसूची के स्तम्भ (2) में की तत्स्थानी प्रविष्टि में उल्लिखित क्षेत्र की बाबत, मैसर्स पेट्रोनेट सी. आई. लिमिटेड वदोदरा जिसका रजिस्ट्रीकृत कार्यालय वदोदरा में है, द्वारा गुजरात राज्य में ई.ओ.एल./आर.पी.एल. परिष्करणी से वाडीनार से दूमद (कोयली) नागपुर और कोटा तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाए जाने के लिए उक्त अधिनियम के अधीन सक्षम प्राधिकारी के कृत्यों

का पालन करने के लिए प्राधिकृत करती हैं :  
अनुसूची

व्यक्ति का नाम और पता	अधिकारिता का क्षेत्र
-----------------------	----------------------

(1)

(2)

श्री जमील अहमद कुरेशी आर. ए. एस. एम.डी. ओ. (पेट्रोनेट सी. आई. लिमिटेड में प्रति नियुक्ति पर) 3/127.128, गुजरात रिफाइनरी, डाकघर जवाहर नगर, वदोदरा-391320	राजस्थान राज्य
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फा. सं. आर. 25011/11/2002/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 10th June, 2002

S. O. 1951.— In pursuance of clause (a) of section 2 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby authorises the person mentioned in column (1) of the Schedule below to perform the functions of the competent authority under the said Act for laying of the pipeline by M/s. Petronet CI Limited, Vadodara having its registered office at Vadodara for transportation of petroleum products from EOL/RPL refineries in the state of Gujarat from Vadinar to Dumud (Koyali) Nagpur and Kota in respect of the area mentioned in the corresponding entry in column (2) thereof :

## Schedule

Name and address of the person

Area of Jurisdiction

(1)

(2)

Shri. Jameel Ahmed Qureshi RAS, SDO  
(on deputation to Petronet CI Limited)  
3/127-128, Gujarat Refinery  
P. O. Jawahar Nagar, Vadodra-391320  
Gujarat

State of Rajasthan

[F. No. R-25011/11/2002 OR-I.]

S. S. KEMWAL, Under Secy.



नई दिल्ली, 10 जून, 2002

**का. जा. 1952.**—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2956 तारीख 31 अक्टूबर, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इन्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा गुजरात राज्य में विरमगाम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसु से होती हुई अपरिष्कृत तेल के परिवर्तन के लिए सलाया मथुरा पाइप लाइन प्रणाली परियोजना के विरमगाम-चाकसु, चाकसु-पानीपत और चाकसु-मथुरा सेक्शनों के संवर्धन के कार्यान्वयन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 13.11.2001 को उपलब्ध करा दी गई थी।

और सक्षम प्राधिकारी, ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियाँ का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

#### अनुसूची

तालूका : विरमगाम		जिला : अहमदाबाद		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
चणोठिया	192		0	02	06

फा. सं. आर. 25011/9/2001/ओ.आर. I]

New Delhi, the 10th June, 2002

**S. O. 1952.**—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2956 dated the 31<sup>st</sup> October, 2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat & Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project.

And whereas, copies of the said notification were made available to the public on 13.11.2001;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the rights of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

**SCHEDULE**

Taluka : VIRAMGAM		District : AHMEDABAD		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
CHANOTHIA	192		0	02	06

[F. No R-25011/9/2001 OR-I.]  
S. S. KEMWAL, Under Secy.

नई दिल्ली, 10 जून, 2002

का. आ. 1953.— केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का. आ. 2955 तारीख 31 अक्टूबर, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इन्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा गुजरात राज्य में विरमग्राम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसु से होती हुई अपरिष्कृत तेल के परिवर्तन के लिए सलाया मथुरा पाइप लाइन प्रणाली परियोजना के विरमग्राम-चाकसु, चाकसु-पानीपत और चाकसु-मथुरा सेक्शनों के संवर्धन के कार्यान्वयन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 13.11.2001 को उपलब्ध करा दी गई थी

और संक्षम प्राधिकारी, ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी खिल्लंगमों से मुक्त इन्डियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तालूका : बेचराजी		जिला : महेसाणा		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
कनोडा	1142	1	0	00	51
	1142	2पी	0	08	52

फा. सं. आर. 25011/9/2001/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 10th June, 2002

**S. O. 1953.**—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2955 dated the 31<sup>st</sup> October, 2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat & Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project;

And whereas, copies of the said notification were made available to the public on 13.11.2001;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the rights of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

#### SCHEDULE

Taluka : BECHARAJI		District : MEHSANA		State : GUJARAT		
Name of the Village	Survey no.	Sub-Division no.	Area			
			Hectare	Are	Sq mtr.	
1	2	3	4	5	6	
KANODA	1142	1	0	00	51	
	1142	2P	0	08	52	

[F. No. R-25011/9/2001 OR-I.]  
S. S. KEMWAL, Under Secy.

नई दिल्ली, 10 जून, 2002

का. आ. 1954.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या कां. आ. 2954 तारीख 31 अक्टूबर, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इन्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा गुजरात राज्य में विरमग्राम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसु से होती हुई उपरिष्कृत तेल के परिवर्तन के लिए सलाया मथुरा पाइप लाइन प्रणाली परियोजना के विरमागाम-चाकसु, चाकसु-पानीपत और चाकसु-मथुरा सेक्शनों के संवर्धन के कार्यान्वयन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 13.11.2001 को उपलब्ध करा दी गई थी,

और सक्षम प्राधिकारी, ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त इन्डियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तालूका : देवगिरी रामपुरा		जिला : अहमदाबाद		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
बासका	36		0	09	19
	49		0	05	10
	29		0	00	20
	57		0	01	25
	63		0	09	27

फा. सं. आर. 25011/9/2001/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 10th June, 2002

S.O. 1954.—Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 2954 dated the 31<sup>st</sup> October, 2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat & Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project.

And whereas, copies of the said notification were made available to the public on 13.11.2001;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the rights of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

## SCHEDULE

Taluka : DETROJ RAMPURA		District : AHMEDABAD		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
BASKA	36		0	09	19
	49		0	05	10
	29		0	00	20
	57		0	01	25
	63		0	09	27

[F.No. R-25011/9/2001 OR-I]  
S. S. KEMWAL, Under Secy.

नई दिल्ली, 10 जून, 2002

का. आ. 1955.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या क. आ. 1411 तारीख 19 जून, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इन्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा गुजरात राज्य में विरमग्राम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसु से होती हुई उपरिष्कृत तेल के परिवर्तन के लिए सलाया मथुरा पाइप लाइन प्रणाली परियोजना के विरमागाम-चाकसु, चाकसु-पानीपत और चाकसु-मथुरा सेक्शनों के संवर्धन के कार्यान्वयन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 09.07.2001 को उपलब्ध करा दी गई थी

और सक्षम प्राधिकारी, ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

### अनुसूची

तालूका : विरमगाम		जिला : अहमदाबाद		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
चणोठिया	160	1	0	21	55
	160	2	0	13	30
	161	1	0	23	91
	161	2	0	02	05
	162	1	0	08	25
	162	2	0	08	75
	162	3	0	07	20
	162	5	0	37	55
	189		0	21	18
	191	3	0	13	38

फा. सं. आर. 25011/9/2001/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 10th June, 2002

**S. O. 1955.**— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1411 dated the 19<sup>th</sup> June, 2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962), (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat & Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project.



And whereas, copies of the said notification were made available to the public on 09.07.2001;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the rights of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

#### SCHEDULE

Taluka : VIRAMGAM		District : AHMEDABAD		State : GUJARAT		
Name of the Village	Survey no	Sub-Division no.	Area			
			Hectare	Are	Sq.mtr.	
1	2	3	4	5	6	
CHANOTHIA	160	1	0	21	55	
	160	2	0	13	30	
	161	1	0	23	91	
	161	2	0	02	05	
	162	1	0	08	25	
	162	2	0	08	75	
	162	3	0	07	20	
	162	5	0	37	55	
	189		0	21	18	
	191	3	0	13	38	

नई दिल्ली, 10 जून, 2002

का. आ. 1956.—केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या क. आ. 1410 तारीख 19 जून, 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में इन्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा गुजरात राज्य में खिरमग्राम से हरियाणा राज्य में पानीपत तक राजस्थान राज्य में चाकसु से होती हुई उपरिष्कृत तेल के परिवर्तन के लिए सलाया मथुरा पाइप लाइन प्रणाली परियोजना के विरमागाम-चाकसु, चाकसु-पानीपत और चाकसु-मथुरा सेक्शनों के संवर्धन के कार्यान्वयन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 09.07.2001 को उपलब्ध करा दी गई थी

और सक्षम प्राधिकारी, ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो गया है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन किया जाना चाहिए;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निदेश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त इंडियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तालूका : देवगिरा रामपुरा		जिला : अहमदाबाद		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
अछार (अशोकनगर)	97		0	12	87
बासका	34		0	06	95
	71		0	12	48
	70		0	18	02
भंकोडा	259		0	14	41
	261		0	27	52
	280		0	08	10
छाभसर	209	2	0	13	50
	209	1	0	06	97

फा. सं. आर. 25011/9/2001/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 10th June, 2002

S.O. 1956.— Whereas by the notification of the Government of India in the Ministry of Petroleum and Natural Gas number S.O. 1410 dated the 19<sup>th</sup> June, 2001 issued under sub section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of user in Land) Act, 1962 (50 of 1962). (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the lands specified in the schedule appended to that notification for the purpose of laying pipeline for the transportation of Crude Oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the Augmentation of Viramgam - Chaksu, Chaksu - Panipat & Chaksu - Mathura sections of Salaya - Mathura Pipeline System Project.

And whereas, copies of the said notification were made available to the public on 09.07.2001;

And whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act submitted his report to the Central Government;

And whereas, the Central Government, after considering the said report is satisfied that the right of user in the land specified in the Schedule appended to this Notification should be acquired;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the rights of user in the lands specified in the Schedule appended to this notification are hereby acquired;

And further, in exercise of the powers conferred by sub-section (4) of section 6 the said Act, the Central Government hereby directs that the right of user in the said land shall instead of vesting in the Central Government, vest from the date of publication of this declaration, in the Indian Oil Corporation Limited free from all encumbrances.

#### SCHEDULE

Taluka : DETROJ RAMPURA		District : AHMEDABAD		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
AGHAR (ASHOK NAGAR)	97		0	12	87
BASKA	34		0	06	95
	71		0	12	48
	70		0	18	02
BHANKODA	259		0	14	41
	261		0	27	52
	280		0	08	10
DABHASAR	209	2	0	13	50
	209	1	0	06	97

[F. No. R-25011/9/2001 OR-I.]  
S. S. KEMWAL, Under Secy.

नई दिल्ली, 10 जून, 2002

का. आ. 1957.— केंद्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या क. आ. 1706, तारीख 16 जुलाई, 2001 द्वारा सलाया मथुरा पाइपलाइन प्रणाली परियोजना के विरमगाम-चाकसू, चाकसू-पानीपत और चाकसू मथुरा सेक्शनो के संवर्धन के क्रियान्वयन के लिए इन्डियन ऑयल कॉर्पोरेशन लिमिटेड द्वारा गुजरात राज्य के विरमगाम से राजस्थान राज्य के चाकसू से होते हुए हरियाणा राज्य के पानीपत तक अपरिष्कृत तेल के परिवहन के लिए पाइपलाइन बिछाई जाने के प्रयोजन के लिए उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त अधिसूचना की प्रतियाँ जनता को तारीख 27 जुलाई 2001 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उप-धारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और केन्द्रीय सरकार का उक्त रिपोर्ट पर विचार करने के पश्चात् यह समाधान हो जाने पर कि पाइपलाइन बिछाई जाने के लिए उक्त भूमि अपेक्षित है, उसमें उपयोग का अधिकार अर्जन करने का विनिश्चय किया है;

अतः अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है;

और केन्द्रीय सरकार उक्त अधिनियम की धारा 6 की उप-धारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह निर्देश देती है कि उक्त भूमि में उपयोग का अधिकार इस घोषणा के प्रकाशन की तारीख से केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त इन्डियन ऑयल कॉर्पोरेशन लिमिटेड में निहित होगा।

## अनुसूची

तालूका : वडवानाम		जिला : बनावसकाटा		राज्य : गुजरात	
गाँव का नाम	सर्वे सं.	उप-खण्ड सं.	क्षेत्रफल		
			हेक्टर	एयर	वर्ग मीटर
1	2	3	4	5	6
तेजीवाडा	178	8	0	05	44
	178	6	0	07	97
	178	5	0	00	80
	178	1	0	02	45
	177	पी	0	21	34
	176	1 पी	0	08	98
	175	2	0	08	82
	172	2/3	0	05	12
	172	2/4	0	05	61
	172	1/2	0	05	31
	172	1/1	0	07	32
	170	1 ख	0	03	27
	169	1/2	0	06	43
	168	2	0	07	41
	168	1	0	05	66
	165	2	0	05	55
	164	1	0	00	20
	166		0	07	30
	162	1	0	12	96
	161	3	0	05	25
	161	2	0	00	20
	155	3/2	0	07	62
	155	2	0	08	71
	155	1	0	02	18
	150		0	10	67
	149		0	08	93
	116		0	13	37
	115		0	00	35
	117	1 पी	0	09	71
	117	5 पी	0	00	20
	119	3 पी	0	06	75
	118		0	08	49
	120	2 पी	0	00	24
	121	2	0	07	27

1	2	3	4	5	6
	121	1 पी	0	06	64
	122	9	0	01	94
	122	10	0	02	83
	122	8	0	05	01
	122	4	0	02	12
	130	1 पी	0	00	20
	1+2	3	0	06	41
	1+2	2	0	08	37
	1+2	1	0	07	48
	7		0	09	36
	9		0	05	66
	10	1	0	02	56
	10	2	0	04	79
	10	3	0	00	60
	275	1	0	02	27
	275	2	0	29	27
रजोसना	17	1/1	0	18	78
	17	2	0	01	18
	20	1	0	06	49
	21	3	0	06	21
	22	1 पी	0	03	33
	22	2	0	01	96
	23	1	0	09	91
	51		0	21	94
	53	2	0	01	31
	52	पी	0	13	23
	46		0	05	17
	45		0	07	57
	60	1	0	08	31
	43/1+44/1+44/2		0	12	83
	73+74		0	15	33
	75	पी	0	12	83
छपी	164	1	0	25	74
	164	2	0	03	68
	165		0	06	71
	167		0	08	06
	168	2	0	12	09
	255		0	02	61

1	2	3	4	5	6
	254		0	05	99
	247		0	01	96
	248		0	08	60
	249	1	0	01	42
	249	2	0	06	42
	251		0	08	06
	242		0	13	94
	239		0	14	21
	275	1/2	0	08	04
	275	1/3	0	14	31
	275	2/2	0	08	92
	279	1	0	14	64
	279	2	0	15	68
	280	2	0	00	20
	281	5	0	03	69
	282	4	0	01	35
	283	3	0	03	67
	284/1+2+3		0	06	32
	289	1	0	04	36
	289	2	0	06	75
	286	1	0	01	86
	286	2	0	00	30
	287	1	0	06	32
	287	2	0	05	66
	287	3	0	04	90
	308	1/2	0	07	08
	308	2	0	05	01
	309	1	0	02	79
	309	2	0	00	80
	310	1	0	02	73
	310	3	0	02	61
	311		0	02	83
	312	1	0	02	61
	312	2	0	03	33
	314	1	0	01	91
	314	2	0	01	74
	314	3	0	01	31



1	2	3	4	5	6
मजादर	123	1	0	00	95
	123	2	0	18	54
	122		0	19	38
	128	1	0	00	22
	128	4	0	03	59
	127	3	0	03	40
	127	6	0	05	65
	127	8	0	06	30
	127	9	0	00	24
	139	7	0	00	69
	140	2	0	11	22
	140	3	0	03	05
	141	3	0	03	70
	141	5	0	03	70
	141	6	0	03	38
	142	3	0	14	45
	142	4	0	00	85
	150		0	11	11
	143		0	00	20
	144	2	0	16	12
	146	1	0	02	83
	224		0	07	08
	227		0	01	02
	226	1	0	03	53
	226	2	0	03	81
	226	3	0	04	36
	226	4	0	05	03
	230		0	01	03
	235	1	0	02	72
	235	2	0	02	94
	235	3	0	02	33
	235	5	0	01	76
	234	2	0	02	18
	232	2पी	0	08	74
	232	3	0	00	63
	233	2	0	01	74
	233	3	0	06	42
	247	2	0	01	10

1	2	3	4	5	6
	287	1	0	06	50
	282	2	0	04	79
	280	1	0	03	45
	280	2	0	03	67
	280	5	0	02	51
	280	9	0	01	91
	279	1	0	00	75
	279	2	0	03	06
	278		0	05	23
	318	1	0	03	06
	318	2	0	03	35
	319		0	06	71
	322	1	0	03	21
	324	1	0	06	23
	324	2	0	00	20
	325		0	04	14
	328	1	0	09	91
	329		0	09	31
	330		0	07	74
	331	1	0	00	20
	331	2	0	09	19
	342	1	0	15	06
	339		0	07	20
	340		0	31	66
	399		0	00	20
शेरपुरा	38		0	05	66
	36		0	07	41
भरकावाहा	237		0	13	83
	238		0	02	45

फा. सं. आर. 25011/21/2001/ओ.आर. I]

एस. एस. केमवाल, अवर सचिव

New Delhi, the 10th June, 2002

S. O. 1957.—Whereas by notification of the Government of India in the Ministry of Petroleum and Natural Gas S.O. Number 1706, dated the 16th July, 2001, issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), the Central Government declared its intention to acquire the right of user in the land specified in the Schedule appended to that notification for the purpose of laying pipeline for transportation of crude oil from Viramgam in the State of Gujarat to Panipat in the State of Haryana via Chaksu in the State of Rajasthan by the Indian Oil Corporation Limited for implementing the "Augmentation of Viramgam-Chaksu, Chaksu-Panipat and Chaksu-Mathura Sections of Salaya-Mathura Pipeline System Project".

And whereas copies of the said notification were made available to the public on the 27th July, 2001 ;

And whereas the competent authority has, under sub section (1) of section 6 of the said Act. submitted report to the Central Government ;

And whereas the Central Government, after considering the said report and on being satisfied that the said land is required for laying the pipeline, has decided to acquire the right of user therein;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the right of user in the land specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And, further, in exercise of the powers conferred by sub-section (4) of section 6 of the said Act, the Central Government hereby directs that the right of user in the said land shall, instead of vesting in the Central Government, vest, on the date of publication of this declaration, in the Indian Oil Corporation, Limited, free from all encumbrances.

## SCHEDULE

Taluka : VADGAM		District : BANASKANTHA		State : GUJARAT	
Name of the Village	Survey no.	Sub-Division no.	Area		
			Hectare	Are	Sq.mtr.
1	2	3	4	5	6
TENIWADA	178	8	0	05	44
	178	6	0	07	97
	178	5	0	00	80
	178	1	0	02	45
	177	P	0	21	34
	176	1P	0	08	98
	175	2	0	08	82
	172	2/3	0	05	12
	172	2/4	0	05	61
	172	1/2	0	05	31
	172	1/1	0	07	32
	170	1B	0	03	27
	169	1/2	0	06	43
	168	2	0	07	41
	168	1	0	05	66
	165	2	0	05	55
	164	1	0	00	20
	166		0	07	30
	162	1	0	12	96
	161	3	0	05	25
	161	2	0	00	20
	155	3/2	0	07	62
	155	2	0	08	71
	155	1	0	02	18
	150		0	10	67
	149		0	08	93
	116		0	13	37
	115		0	00	35
	117	1P	0	09	71
	117	5P	0	00	20
	119	3P	0	06	75
	118		0	08	49
	120	2P	0	00	24
	121	2	0	07	27

1	2	3	4	5	6
	121	1P	0	06	64
	122	9	0	01	94
	122	10	0	02	83
	122	8	0	05	01
	122	4	0	02	12
	130	1P	0	00	20
	1+2	3	0	06	41
	1+2	2	0	08	37
	1+2	1	0	07	48
	7		0	09	36
	9		0	05	66
	10	1	0	02	56
	10	2	0	04	79
	10	3	0	00	60
	275	1	0	02	27
	275	2	0	29	27
RAJOSANA	17	1/1	0	18	78
	17	2	0	01	18
	20	1	0	06	49
	21	3	0	06	21
	22	1P	0	03	33
	22	2	0	01	96
	23	1	0	09	91
	51		0	21	94
	53	2	0	01	31
	52	P	0	13	23
	46		0	05	17
	45		0	07	57
	60	1	0	08	31
	43/1+44/1+44/2		0	12	83
	73+74		0	15	33
	75	P	0	12	83
CHHAPI	164	1	0	25	74
	164	2	0	03	68
	165		0	06	71
	167		0	08	06
	168	2	0	12	09
	255		0	02	61

1	2	3	4	5	6
	254		0	05	99
	247		0	01	96
	248		0	08	60
	249	1	0	01	42
	249	2	0	06	42
	251		0	08	06
	242		0	13	94
	239		0	14	21
	275	1/2	0	08	04
	275	1/3	0	14	31
	275	2/2	0	08	92
	279	1	0	14	64
	279	2	0	15	68
	280	2	0	00	20
	281	5	0	03	69
	282	4	0	01	35
	283	3	0	03	67
	284/1+2+3		0	06	32
	289	1	0	04	36
	289	2	0	06	75
	286	1	0	01	86
	286	2	0	00	30
	287	1	0	06	32
	287	2	0	05	66
	287	3	0	04	90
	308	1/2	0	07	08
	308	2	0	05	01
	309	1	0	02	79
	309	2	0	00	80
	310	1	0	02	73
	310	3	0	02	61
	311		0	02	83
	312	1	0	02	61
	312	2	0	03	33
	314	1	0	01	91
	314	2	0	01	74
	314	3	0	01	31

1	2	3	4	5	6
MAJADAR	123	1	0	00	95
	123	2	0	18	54
	122		0	19	38
	128	1	0	00	22
	128	4	0	03	59
	127	3	0	03	40
	127	6	0	05	65
	127	8	0	06	30
	127	9	0	00	24
	139	7	0	00	69
	140	2	0	11	22
	140	3	0	03	05
	141	3	0	03	70
	141	5	0	03	70
	141	6	0	03	38
	142	3	0	14	45
	142	4	0	00	85
	150		0	11	11
	143		0	00	20
	144	2	0	16	12
	146	1	0	02	83
	224		0	07	08
	227		0	01	02
	226	1	0	03	53
	226	2	0	03	81
	226	3	0	04	36
	226	4	0	05	03
	230		0	01	03
	235	1	0	02	72
	235	2	0	02	94
	235	3	0	02	33
	235	5	0	01	76
	234	2	0	02	18
	232	2P	0	08	74
	232	3	0	00	63
	233	2	0	01	74
	233	3	0	06	42
	247	2	0	01	10

1	2	3	4	5	6
	287	1	0	06	50
	282	2	0	04	79
	280	1	0	03	45
	280	2	0	03	67
	280	5	0	02	51
	280	9	0	01	31
	279	1	0	00	75
	279	2	0	03	06
	278		0	05	23
	318	1	0	03	06
	318	2	0	03	35
	319		0	06	71
	322	1	0	03	21
	324	1	0	06	23
	324	2	0	00	20
	325		0	04	14
	328	1	0	09	91
	329		0	09	31
	330		0	07	74
	331	1	0	00	20
	331	2	0	09	19
	342	1	0	15	06
	339		0	07	20
	340		0	31	66
	399		0	00	20
<b>SHERPURA</b>	38		0	05	66
	36		0	07	41
<b>BHARKAWADA</b>	237		0	13	83
	238		0	02	45

[F. No. R-25011/21/2001 OR-I.]  
S. S. KEMWAL, Under Secy.



**पेट्रोलियम और प्राकृतिक गैस मंत्रालय**

नई दिल्ली, 13 मई, 2002

का. आ. 1958.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि राजस्थान राज्य में जामनगर/काण्डला-लोनी (आईओसीएल सांगानेर स्पर लाइन) पाइपलाइन परियोजना के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इण्डिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रति साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इण्डिया लिमिटेड, बी-21 ए, शिव मार्ग, बनी पार्क, जयपुर-302016 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

**अनुसूची**

जिला	तहसील	ग्राम	खसरा नं.	उपयोग का अधिकार के लिए अर्जित भूमि (हेक्टेयर में)
1	2	3	4	5
जयपुर	सांगानेर	फिरोजपुर उर्फ इन्द्रपुरी	261/458	0.0060
			282/468	0.0020
		योग		0.0080
	शिकारपुरा		940/1188	0.0150
			योग	0.0150
		मुहाना	2136	0.0180
			1978	0.0150
			1979	0.0750
			1974	0.0100
			योग	0.1180
	बड़ी का बास		241	0.0560
			242	0.560
			243	0.0400
			244	0.0080
			229	0.0080
			274	0.0120

1	2	3	4	5
बड़ी का बास		277		0.0300
		291		0.1000
		324		0.0080
		323		0.1280
		331		0.0320
भाखरोटा कलां		426		0.0040
		योग		0.4820
	1167/2720			0.0280
	1148			0.0020
	योग			0.0840

[फा. सं. एल-14014/28/02-जी.पी. (भाग-I)]

स्वामी सिंह, निदेशक

**MINISTRY OF PETROLEUM AND NATURAL GAS**

New Delhi, the 13th May, 2002

S.O. 1958.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of liquid petroleum gas through Jamnagar/Kandla—Loni (IOCL Sanganer spur line) pipeline project in the State of Rajasthan, a pipeline should be laid by the Gas Authority of India Limited:

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification:

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, B-21A, Shiv Marg, Bani Park, Jaipur-302016 (Rajasthan).

**SCHEDULE**

Distt.	Tehsil	Village	Survey No.	Land to be Acquired for R.O.U. in hectares
1	2	3	4	5
Jaipur	Sanganer	Firozpur Urf	261/458	0.0060
		Indrapuri	282/468	0.0020
		Total		0.0080

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1	2	3	4	5
		Sikarpurā	940/1188	0.0150
		Total		0.0150
		Muhana	2136	0.0180
			1978	0.0150
			1979	0.0750
			1974	0.0100
		Total		0.1180
		Bari Ka was	241	0.0560
			242	0.560
			243	0.0400
			244	0.0080
			229	0.0080
			274	0.0120
			277	0.0300
			291	0.1000
			324	0.0080
			323	0.1280
			331	0.0320
			426	0.0040
		Total		0.4820
		Bhakhrota	1167	0.0540
		Kalan	1167/2720	0.0280
			1148	0.0020
		Total		0.0840

[F. No. L-14014/28/02-GP (Part I)]

SWAMI SINGH, Director

नई दिल्ली, 3 जून, 2002

का. आ. 1959.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि राजस्थान राज्य में जामनगर/काण्डला-लोनी पाइपलाइन परियोजना के माध्यम से तरल पेट्रोलियम गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इण्डिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दी जाती हैं, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, बी-21ए, शिव मार्ग, बनी पार्क, जयपुर-302016 (राजस्थान) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची				
जिला	तहसील	ग्राम	सर्वे सं.	क्षेत्रफल हेक्टर में
1	2	3	4	5
पाली	सोजात	केलवाद	877	0.0020
			852	0.0100
			849	0.0800
			843	0.0240
			कुल	0.1160

[फा. सं. एल-14014/28/02-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 3rd June, 2002

S.O. 1959.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of Liquid Petroleum Gas through Jamnagar/Kandla—Loni Pipe line project in the State of Rajasthan, a pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals pipelines (Acquisition of right of user in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of the notification as published in the Gazette of India are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, B-21A, Shiv Marg, Bani Park, Jaipur-302016 (Rajasthan).

## SCHEDULE

Distt.	Mandal	Village	Survey No.	Area in Hactare
1	2	3	4	5
Pali	Sojat	Kelwad	877	0.0020
			852	0.0100
			849	0.0800
			843	0.0240
			Total	0.1160

[File No. L-14014/28/02-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 3 जून, 2002

का. आ. 1960.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि पांडिचेरी प्रदेश राज्य में एस एफ सी एल से आर सीएल गैस पाइपलाइन परियोजना तक प्राकृतिक गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इण्डिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रति साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इण्डिया लिमिटेड, 1842, साउथ स्ट्रीट, नागापट्टिनम-611011 (तमिलनाडु) को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

जिला	मंडल	ग्राम	सर्वे सं.	क्षेत्रफल (हेक्टर में)
1	2	3	4	5
पांडिचेरी	करैकल	20, पेटई	1	0.040 जी.पी.
			4/2	0.055
			कुल	0.095
	18, सेल्लूर		59/1	0.040 जी.पी.
			59/2	0.030
			59/3	0.005
			169/1	0.050 जी.पी.
			169/2	0.045
			168/4 ए	0.170
			168/4 बी	0.060
			168/4 सी	0.070
			167/10	0.130
			167/11	0.050
			165/1	0.145
			164/5	0.055
			164/10	0.080

1	2	3	4	5
	18, सेल्लूर	164/11	0.020	
		164/16	0.020	
		164/17	0.005	जी.पी.
		163/1	0.010	जी.पी.
		163/2	0.0115	
		162/3	0.055	
		162/4	0.115	
		कुल	1.270	

[फा. सं. एल. 14014/25/02-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 3rd June, 2002

S.O. 1960.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through SFCL to Regency Ceramics Limited (RCL) gas pipeline in the State of Pondicherry, a pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to the notification;

Now, therefore, in exercise of the powers conferred by Sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of Section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, 1842, South Street, Nagapattinam-611011 (Tamilnadu).

## SCHEDULE

Distt.	Tehsil	Village	Survey No	Area in Hactares
1	2	3	4	5
Pondicherry	Karaikal	20, Pettai	1	0.040 G.P
			4/2	0.055
			Total	0.095
		18, Sellur	59/1	0.040 G.P
			59/2	0.030
			59/3	0.005

1	2	3	4	5
	12. Sellar		169/1	0.050 G.P
			169/2	0.045
			168/4 A	0.170
			168/4 B	0.060
			168/4 C	0.070
			167/10	0.130
			167/11	0.050
			165/1	0.145
			164/5	0.055
			164/10	0.080
			164/11	0.020
			164/16	0.020
			164/17	0.005 G.P
			163/1	0.010 G.P
			163/2	0.0115
			162/3	0.055
			162/4	0.115
			Total	1.270

[F. No. L-14014/25/'02-G.P]

SWAMI SINGH, Director

नई दिल्ली, 3 जून, 2002

का. आ. 1961.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में हजीरा-उरान पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इण्डिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रति साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इण्डिया लिमिटेड, दर्पण बिल्डिंग, प्रथम तल, आर.सी. दत्त रोड अलकापुरी, बड़ोदरा-390005 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

अनुसूची				
जिला	तहसील	ग्राम	सर्वे नं./ ब्लोक नं.	उ. का. अ. के लिए अर्जित की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
सूरत	चोर्यासी	1: भाटपोर	498	0-07-50
			503	0-39-20
			502	0-01-73
			584	0-59-40
			रीवर	0-97-68
			532	0-02-88
			531	0-04-03
			530	0-04-03
			529	0-11-52
		रीवर-खाडी		02-59-70
			473	0-02-38
			470	0-03-56
			439	0-42-77
			438	0-20-20
			435	0-35-71
		रीवर		02-48-51
		कुल		08-30-80
सूरत	चोर्यासी	2 : वेसु	280	0-45-00
			278	0-38-02
			277	0-37-50
			274	0-03-75
			272	0-16-50
			273	0-36-00
		ड्रेन		0-02-77
			265	0-44-50
			264	0-06-75
			262	0-45-30
			255	0-40-41
			254	0-06-00
		कुल		3-22-50

1	2	3	4	5	1	2	3	4	5
सुरत	चोर्यासी	3: आभवा	385/1	0-28-51	सुरत	चोर्यासी	4 : सरसाणा	रोड	0-04-63
			385/2	0-04-75				146	0-04-60
			रोड	0-04-75				रोड	0-04-60
			389	0-07-13				146	0-37-28
			रोड	0-04-75				125	0-06-91
			389	0-33-26				127	0-79-15
			393	0-15-44				125	0-46-39
			392	0-16-63			सरकारी लेन्ड		0-10-69
			401	0-15-44				कुल	06-71-03
			402	0-14-25		5 : भिमराड	201		0-57-60
			400	0-26-13			194		0-05-76
			399	0-68-90			193		0-02-30
			कुल	02-39-94			190		0-13-82
		4: सरसाणा	225	0-34-45			189		0-04-03
			223	0-34-45			191		0-05-76
			237	0-14-25			188		0-17-28
			238	0-09-50			186		0-02-88
			236	0-48-96			187		0-03-46
			235	0-16-13			156		0-04-61
			234	0-07-68			157		0-13-82
			233	0-53-38			158		0-09-22
			257	0-05-76			159		0-06-91
			256	0-04-61			कुल		01-47-45
			258	0-01-92		6 : सोनतलाव	सोनतलाव		02-29-39
			17	0-28-99			कुल		02-29-39
			16	0-03-46		7 : जिआव	वी.बी.		
			28	0-05-38			सोनतलाव		01-39-39
			34	0-28-80			290		0-12-00
			92	0-25-65			291		0-07-50
			87	0-43-96			290		0-19-50
			78	0-15-08			289		0-10-50
			77	0-22-57			244/अ		02-31-26
			76	0-08-07			244/सी		0-07-50
		4 : सरसाणा	118	0-26-88			244/बी		0-70-50
			119	0-04-99			कारट्रेक		0-06-00
			120	0-11-04			244/अ		0-12-00
			114	0-01-54			218		0-10-50
			121	0-06-19			219		0-48-00
			122	0-05-19			42		0-30-00
			123	0-05-18			49		0-03-75

1	2	3	4	5
સૂરત	ચોર્યાસી	7 : જિઆવ	225	0-38-50
			213	0-60-00
			227	0-01-50
			212	0-25-50
			230	0-79-72
			231	0-11-25
			232	0-28-50
			<u>કુલ</u>	<u>07-04-98</u>
		8 : બુહિયા	142	0-10-69
			143	0-16-94
			144	0-02-07
			રોડ	0-05-94
			196	0-01-78
			194	0-10-10
			195	0-13-07
			389	0-08-32
			188	0-11-88
			187	0-21-38
			179	0-20-20
			178	0-07-22
			177	0-20-79
			168	0-26-32
			खाडी	0-31-84
			<u>कुल</u>	<u>02-10-04</u>
		9 : गमेणी	खाडी	0-09-25
			सरकारी	
			जमीन:	
			रीजरव	
			फोरेस्ट	0-24-77
			39	0-48-00
			38	0-43-50
			37	0-27-00
			36	0-21-00
			34	0-31-50
			33	0-01-00
			30	0-20-74
			31	0-34-56
			रोड	0-05-76
			187	0-19-58
સૂરત	ચોર્યાસી	9 : ગમેણી	188	0-17-28
			189	0-11-52
			16	0-29-95
			सरकारी	
			जमीन	0-18-43
			11	0-32-26
			रोड	9-05-76
			453	0-25-34
			436	0-23-04
			झेइन	0-04-61
			452	0-13-82
			440	0-26-50
			कारट्रेक	0-04-61
			449	0-02-88
			441	0-30-72
			442	0-12-67
			443	0-50-69
			<u>कुल</u>	<u>05-67-74</u>
		10 : तलगपुर	194	0-16-63
			196	0-16-63
			197	0-03-00
			198	0-11-88
			रोड	0-07-13
			204	0-23-76
			205	0-03-96
			217	0-04-75
			218	0-29-70
			219	0-17-82
			खाड़ी	0-08-32
			220	0-17-82
			221	0-20-20
			222	0-08-32
			224	0-52-27
			232	0-21-38
			228	0-03-56
			231	0-09-50
			233	0-20-20
			234	0-09-50
			235	0-04-16
			236	0-06-00

1	2	3	4	5	1	2	3	4	5	
सूरत	चोर्यासी	10 : तलंगपुर	237	0-05-25	सूरत	चोर्यासी	11 : उबेर	408	0-26-14	
			238	0-04-00				387	0-14-26	
			239	0-01-50				386	0-33-26	
			240	0-03-00				385	0-38-02	
			242	0-12-00				374	0-01-19	
			252	0-09-00				377	0-00-99	
			253	0-04-50				370	0-49-90	
			254	0-13-50				251	0-08-32	
			255	0-00-59				252	0-27-32	
			256	0-04-16				250	0-30-89	
			257	0-01-78				234	0-36-83	
			303	0-02-38				235	0-01-78	
			302	0-06-93				233	0-01-78	
			300	0-04-75				231	0-05-94	
			301	0-04-75				232	0-08-32	
			298	0-23-76				230	0-98-60	
			310	0-16-63				254	0-26-14	
			297	0-16-63				255	0-26-14	
			327	0-00-79				253	0-05-94	
			325	0-07-92				256	0-47-52	
			324	0-20-20				307	0-05-94	
			320	0-08-32				306	0-16-63	
			319	0-01-54				291	0-02-91	
			317	0-32-08				305	0-03-05	
			कुल	04-34-71				292	0-02-92	
	11 : उबेर		505	0-19-10				287	0-14-26	
			506	0-10-69				286	0-02-86	
			533	0-07-13				273	0-21-38	
			534	0-38-02				272	0-05-94	
			535	0-07-72				271	0-08-32	
			463	0-27-32				519	0-73-66	
			464	0-02-97				कुल	08-92-93	
			400	0-04-75				56 : मगडल्ला	तापी-रीबर	01-30-50
			401	0-23-76					30	0-52-50
			402	0-12-77					34	0-45-00
			403	0-41-28					35	0-02-00
			405	0-20-20					29	0-02-80
			393	0-11-09					28	0-63-30
			407	0-07-13					37	0-05-10
			406	0-05-94					27	0-55-50
			रोड	0-05-94						

1	2	3	4	5	1	2	3	4	5
	56 : भगडल्ला—(जारी)	25	0-66-00		Surat	Choryasi (1) Bhatpor—	473	0-02-38	
		40	0-27-00			Contd.	470	0-03-56	
		41	0-48-00				439	0-42-77	
		कुल	04-35-20				438	0-20-20	
	[ फा. सं. एल.-14014/24/01-जी.पी. ]						435	0-35-71	
	स्वामी सिंह, मिदेशक						River	02-48-51	
	New Delhi, the 3rd June, 2002						Total	08-30-80	
	S.O. 1961.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Hazira-Uran pipeline project in Gujarat State, a pipeline should be laid by the Gas Authority of India Limited;  And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;  Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.  Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Darpan Building, 1st floor, R.C. Dutt Road, Alkapuri, Vadodara-390 005 (Gujarat).				2 : Vesu		280	0-45-00	
							278	0-38-02	
							277	0-37-50	
							274	0-03-75	
							272	0-16-50	
							273	0-36-00	
						Drain		0-02-77	
							265	0-44-50	
							264	0-06-75	
							262	0-45-30	
							255	0-40-41	
							254	0-06-00	
						Total		03-22-50	
					3 : Abhwa	385/1		0-28-51	
						385/2		0-04-75	
						Road		0-04-75	
						389		0-07-13	
						Road		0-04-75	
						389		0-33-26	
						393		0-15-44	
						392		0-16-63	
						401		0-15-44	
						402		0-14-25	
						400		0-26-13	
						399		0-68-90	
						Total		02-39-94	
					4 : Sarsana	225		0-34-45	
						223		0-34-45	
						237		0-14-25	
						238		0-09-50	
						236		0-48-96	
						235		0-16-13	
						234		0-07-68	

## SCHEDULE

Distt.	Tehsil	Village	Survey No./ Block No.	Land to be acquired for R.O.U. in Hectares
1	2	3	4	5
Surat	Choryasi	(1) Bhatpor	498	0-07-50
			503	0-39-20
			502	0-01-73
			504	0-59-40
		River		0-97-68
			532	0-02-88
			531	0-04-03
			530	0-04-03
			529	0-11-52
		River-Khadi		02-59-70



1	2	3	4	5	1	2	3	4	5
Surat	Choryasi	4 : Sarsana	233	0-53-38	Surat	Choryasi	(5) Bhimrad	157	0-13-82
			257	0-05-76				158	0-09-22
			256	0-04-61				159	0-06-91
			258	0-01-92				Total	01-47-45
			17	0-28-99			(6) Sonatalav	Sontalav	02-29-39
			16	0-03-46				Total	02-29-39
			28	0-05-38			(7) JiyavVB Sonatalav		
			34	0-28-80					01-39-39
			92	0-25-65				290	0-12-00
			87	0-43-96				291	0-07-50
			78	0-15-08				290	0-19-50
			77	0-22-57				289	0-10-50
			76	0-08-07				244-A	02-31-26
			118	0-26-88				244/C	0-07-50
			119	0-04-99				244/B	0-70-50
			120	0-11-04				Cart-track	0-06-00
			114	0-01-54				244-A	0-12-00
			121	0-06-91				218	0-01-50
			122	0-05-91				219	0-48-00
			123	0-05-18				42	0-30-00
			Road	0-04-63				49	0-03-75
			146	0-04-60				225	0-38-50
			Road	0-04-60				213	0-60-00
			146	0-37-28				227	0-01-50
			125	0-06-91				212	0-25-50
			127	0-79-15				230	0-79-72
			125	0-48-39				231	0-11-25
			Govt. Land	0-10-69				232	0-28-50
			Total	06-71-03				Total	07-04-98
		(5) Bhimrad	201	0-57-60			(8) Budiya	142	0-10-69
			194	0-05-76				143	0-16-94
			193	0-02-30				144	0-02-07
			190	0-13-82				Road	0-05-94
			189	0-04-03				196	0-01-78
			191	0-05-76				194	0-10-10
			188	0-17-28				195	0-13-07
			186	0-02-88				389	0-08-32
			187	0-03-46				188	0-11-88
			156	0-04-61				187	0-21-38
								179	0-20-20

1	2	3	4	5	1	2	3	4	5
Surat	Choryasi	(8)Budiya	178	0-07-22	Surat	Choryasi	(10)Talangpur	198	0-11-88
			177	0-20-79				Road	0-07-13
			168	0-26-32				204	0-23-76
			Khadi	0-31-84				205	0-03-96
			Total	02-10-04				217	0-04-75
		Gabheni	Khadi	0-09-25				218	0-29-70
			Govt.					219	0-17-82
			Land					Khadi	0-08-32
			Reserve					220	0-17-82
			Forest	0-24-77				221	0-20-20
			39	0-48-00				222	0-08-32
			38	0-43-50				224	0-52-27
			37	0-27-00				232	0-21-38
			36	0-21-00				228	0-03-56
			34	0-31-50				231	0-09-50
			33	0-01-00				233	0-20-20
			30	0-20-74				234	0-09-50
			31	0-34-56				235	0-04-16
			Road	0-05-76				236	0-06-00
			187	0-19-58				237	0-05-25
			188	0-17-28				238	0-04-00
			189	0-11-52				239	0-01-50
			16	0-29-95				240	0-03-00
			Govt.					242	0-12-00
			Land	0-18-43				252	0-09-00
			11	0-32-26				253	0-04-50
			Road	0-05-76				254	0-13-50
			453	0-25-34				255	0-00-59
			436	0-23-04				256	0-04-16
			Drain	0-04-61				257	0-01-78
			452	0-13-82				303	0-02-38
			440	0-26-50				302	0-06-93
			Cart track	0-04-61				300	0-04-75
			449	0-02-88				301	0-04-75
			441	0-30-72				298	0-23-76
			442	0-12-67				310	0-16-63
			443	0-50-69				297	0-16-63
			Total	05-67-74				327	0-00-79
		(10) Talangpur	194	0-16-63				325	0-07-92
			196	0-16-63				324	0-20-20
			197	0-03-00				320	0-08-32

1	2	3	4	5
Surat	Choryosi	(10)Talangpur	319	0-01-54
			317	0-32-08
		Total		04-34-71
	11 : Uber		505	0-19-10
			506	0-10-69
			533	0-07-13
			534	0-38-02
			535	0-07-72
			463	0-27-32
			464	0-02-97
			400	0-04-75
			401	0-23-76
			402	0-12-77
			403	0-41-28
			405	0-20-20
			393	0-11-09
			407	0-07-13
			406	0-05-94
		Road		0-05-94
			408	0-26-14
			387	0-14-26
			386	0-33-26
			385	0-38-02
			374	0-01-19
			377	0-00-99
			370	0-49-90
			251	0-08-32
			252	0-27-32
			250	0-30-89
			234	0-36-83
			235	0-01-78
			233	0-01-78
			231	0-05-94
			232	0-08-32
			230	0-98-60
			254	0-26-14
			255	0-26-14
			253	0-05-94
			256	0-47-52
			307	0-05-94
			306	0-16-63

1	2	3	4	5
Surat	Choryosi	(11)Kuber	291	0-02-91
			305	0-03-05
			292	0-02-92
			287	0-14-26
			286	0-02-86
			273	0-21-38
			272	0-05-94
			271	0-08-32
			519	0-73-66
			Total	08-92-93
		56 : Mangdalla	Tapi-	
			River	01-30-50
			30	0-52-50
			34	0-45-00
			35	0-02-00
			29	0-02-80
			28	0-63-30
			37	0-05-10
			27	0-55-50
			25	0-66-00
			40	0-27-00
			41	0-48-00
			Total	04-35-20

[F. No. L-14014/24/01-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 3 जून, 2002

का. आ. 1962.—केन्द्रीय सरकार को लोकहित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में हजीरा-उरान पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन लिए गैस अथॉरिटी ऑफ इण्डिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए ;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए ;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

कोई व्यक्ति, जो उक्त सूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रति साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, दर्पण बिल्डिंग, प्रथम तल, आर.सी. दत्त रोड, अल्कापुरी, वडोदरा-390 005 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

### अनुसूची

जिला	तहसील	ग्राम	सर्वे सं./ ब्लॉक सं.	उ.का.अ. के लिए अर्जित की जाने वाली भूमि (हेक्टेयर में)
1	2	3	4	5
नवसारी	जलालपुर 12 : नडोद	232	0-07-80	
		235	0-39-17	
		236	0-10-37	
		218	0-39-17	
		216	0-23-04	
		214	0-31-10	
		212	0-34-56	
		रोड	0-02-30	
		196	0-06-91	
		197	0-27-65	
		198	0-11-52	
		204/पैकी	0-17-28	
		खाडी	0-16-13	
		203	0-06-91	
		202	0-63-36	
		131	0-11-52	
		132	0-40-32	
		134	0-22-40	
		135	0-08-06	
		रोड	0-05-76	
		109	0-11-52	
		केलाल	0-17-28	
		110	0-03-45	
		111	0-57-60	
		112	0-29-95	
		116	0-34-56	
		117	0-32-26	
		237	0-08-06	
		कुल	06-20-01	
	13: डालकी	20	0-25-34	
		रोड	0-05-76	
		22	0-63-36	
		28	0-36-86	

1	2	3	4	5	
नसवारी	जलालपोर 13 : डालकी	26		0-02-69	
		27		0-05-38	
		25		0-14-97	
		39		0-31-10	
		41		0-31-10	
		खाडी		0-16-60	
		43		0-04-61	
		44		0-29-95	
		45		0-05-76	
		46		0-07-49	
		49		0-03-84	
		48		0-21-89	
		61		0-20-74	
		62		0-09-22	
		63		0-09-79	
		64		0-21-31	
		65		0-24-77	
		71		0-08-07	
			कुल		04-01-60
		14 : अरसाण	172		0-30-52
			171		0-25-35
			168		0-07-48
			रोड		0-06-90
			159		0-11-30
			कुल		0-81-55
15 : सीमलगांव	126		0-46-08		
	131		0-48-38		
	132		0-68-31		
	163		0-00-86		
	162		0-35-71		
	खाडी		0-09-22		
	331		0-13-82		
	332		0-06-91		
	333		0-17-28		
	खाडी		0-06-95		
	336		0-27-65		
	334		0-00-52		
	335		0-28-80		
	325		0-10-37		
	324		0-16-13		
	रोड		0-16-13		
	244		0-12-48		
	243		0-00-36		
	245		0-05-76		
	237		0-28-80		
	247		0-63-49		
	258		0-26-53		
	257		0-11-52		
	250		0-19-01		
	254		0-21-31		
251		0-05-76			
252		0-15-92			
	कुल		05-64-05		

1	2	3	4	5	1	2	3	4	5
नवसारी	जलालपोर 16 : अलुरा		103	0-08-23	नवसारी	जलालपोर 18 : जलालपोर		81/1-2	
			102	0-14-37				81/2-3	0-38-02
			104	0-11-98				82/1, 2, 3,	
			107	0-05-50				4, 5, 6,	
			106	0-23-65				7, 8	
			108	0-02-07				82/ 6-अ	0-26-50
			109	0-01-88				79/1-1-1-1	
			110	0-00-31				79/X1-1-1-2	
			111	0-09-25				79/1/1/2	
			115	0-43-10				79/XI/1/3	
			116	0-00-68				79/1/1/4	
			130	0-19-58				79/1/1/4	
			132	0-02-76				79/1/2	
			133	0-11-52				79/2, 3, 4	0-04-03
			134	0-15-67				78/1, 2, 3, 4	
			रोड	0-08-06				5, 6, 7	0-48-38
			139	0-01-08				77/1, 2, 3, 4	
			138	0-30-02				5, 6, 7, 8	0-35-71
			150	0-27-65				ड्रेन	0-04-61
			सरकारी जमीन	04-60-80				468/1-1	
			कुल	06-98-16				468/1-2	
	17 : बोदाली		रीवर	02-45-92				468/2	0-21-89
			616	0-41-89				466/1-1	
			617	0-19-01				466/1-2	
			618	0-11-88				466/2	0-26-50
			620	0-10-69				465	0-15-68
			रीवर	0-51-08				462/1, 2, 3	
			कुल	06-80-37				4, 5	0-14-98
								463	0-25-34
								460/1, 2, 3	
								4, 5, 6	0-43-20
	18 : जलालपोर		रीवर	10-01-38				458/1, 2	0-26-50
			110/1					457/1-अ, ब	
			110/2/1					457/2, 3	0-32-26
			110/2/2					456/1	
			110/3, 4, 5	0-58-75				456/2	
			111/1, 2					456/2	0-47-23
			111/3/1					455/1, 2, 3, 4	0-16-00
			111/3/2					451/1	
			111/3/3/1					461/2	
			111/3/3/2	0-07-49				451/2	
			109/1, 2, 3	0-51-84				451/3-अ, ब	0-33-41
			4, 5, 6					450/1, 2, 3, 4	0-41-47
			107/अ, ब					448/1, 2, 3	0-28-80
			107/2, 4, 5					427	0-31-10
			107/3-1					426/1, 2, 3	0-18-43
			107/3-2	0-50-69				425/1-2	0-33-99
			108/1, 2, 3					396	
			4, 5, 6					396/पैकी	0-06-34
			106/1-1	0-05-18				395/1, 2, 3, 4, 5	
			106/1-2					395/1-पैकी	
			106/2, 3,	0-34-56				395/2-1	
			4, 5						
			81/1-1						

1	2	3	4	5	1	2	3	4	5
नसवारी	जलालपोर 18 : जलालपोर	395/2-1/पैकी			नसवारी	जलालपोर 20 : भुतसाड	182		0-96-23
		395/2/2/पैकी					185		0-19-58
		395/2/2/पैकी	0-42-62				187		0-14-98
		394/1/पैकी					188		0-14-98
		394/2					118		0-51-84
		394/3					145		0-24-22
		394/4	0-20-74				146		0-19-06
		कारट्रेक	0-01-05				133		0-01-71
		389/1					रोड		0-10-41
		389/2	0-53-50				93		0-40-32
		365/1					62		0-29-22
		365/2					61		0-27-32
		365/3	0-40-90				58		0-32-08
		366/1					खाडी		0-06-91
		366/2	0-06-34				59		0-14-40
		कुल	10-95-51				60		0-14-40
							कुल		04-37-86
19 : अेर		561	0-01-73		21 : मंदिर		806		0-24-95
		560	0-06-72				805		0-17-86
		रोड	0-05-76				रोड		0-06-91
		570	0-12-33				821		0-03-07
		555	0-17-28				830		0-20-73
		553	0-04-03				829		0-23-04
		554	0-05-76				828		0-02-88
		रोड	0-20-74				केनाल		0-11-52
		572	0-18-43				828/पैकी		0-08-06
		578	0-39-17				827		0-33-28
		577/1					826		0-04-60
		577/2					केनाल		0-14-98
		577/3	0-20-74				849		0-05-94
		579	0-36-86				879		0-03-46
		580/1, 2	0-21-89				878		0-21-89
		598	0-04-61				877		0-08-06
		वीबीओ अेयान	0-72-58				876		0-20-74
		741	0-05-76				868		0-02-88
		740	0-00-38				875		0-06-91
		739	0-90-22				869		0-27-32
		742/1, 2, 3	0-25-34				870		0-01-73
		743	0-00-38				871		0-03-46
		745/1, 2, 3,					863		0-40-08
		4, 5, 6	0-27-65				862		0-09-22
		746	0-08-06				रोड		0-09-21
		747	0-03-46				934		0-38-72
		748	0-06-91				935		0-05-76
		263	0-15-00				939		0-0-9-50
		749	0-23-04				937		0-14-98
		751/1, 2, 3	0-17-28				रोड		0-06-91
		कुल	5-12-10				859		0-35-64
20 : भुतसाड		218	0-14-26				950		0-10-36
		रोड	0-05-94				966		0-05-76

1	2	3	4	5	1	2	3	4	5
नसवारी	जलालपोर 21 : मंदिर	965	0-16-13		नसवारी	जलालपोर 22 : अब्बामा	रोड	0-05-76	
		964	0-14-97				309	0-00-38	
		963	0-12-67				319	0-18-20	
		953	0-03-84				318	0-00-57	
		962	0-04-75				317	0-09-60	
		954	0-10-69				316	0-18-43	
		955	0-52-27				रोड	0-15-00	
		956	0-21-62				314	0-19-30	
		957	0-13-25				327	0-26-50	
		खाडी	0-22-16				326	0-14-40	
		कुल	06-32-77				334/1	0-34-78	
	22 : अब्बामा	खाडी	0-42-30				335	0-11-52	
		2293/2	0-01-15				338	0-09-60	
		2293/1	0-12-09				339/1	0-15094	
		2294	0-14-98				341	0-29-76	
		2243	0-10-75				442/1	0-01-35	
		2295	0-09-60				कुल	08-29-87	
		2296	0-20-01			23: वेडछा	1036	0-02-50	
		2341	0-22-60				1035	0-32-00	
		2297	0-03-84				1038	0-04-80	
		2337	0-03-07				1039	0-34-20	
		2338	0-10-00				1040	0-27-00	
		2336	0-09-58				1041	0-05-25	
		2335	0-23-35				1029	0-12-75	
		2334	0-01-80				1028	0-01-50	
		2376	0-17-86				डी. केनाल	0-03-00	
		2375	0-23-75				1027	0-12-00	
		2400	0-14-50				1042	0-22-50	
		2399	0-07-68				1026	0-07-50	
		2403	0-14-80				1009	0-13-50	
		2398	0-01-25				1043	0-06-00	
		2397	0-01-30				1008	0-37-06	
		2404	0-28-04				रेलवे	0-03-31	
		2405	0-14-72				975	0-13-50	
		2407	0-04-80				969	0-24-00	
	22 : अब्बामा	2408	0-28-90				974	0-46-06	
		रोड	0-03-46				रोड	0-04-50	
		2510	0-14-30				809	0-12-00	
		2514	0-37-60				810	0-18-00	
		2508/1	0-07-68				811	0-26-00	
		रोड	0-11-52				802	0-05-50	
		2508/2	0-10-37				800	0-03-00	
		2501/2	0-02-88				799	0-24-00	
		2500	0-23-04				791	0-25-65	
		2499/1	0-22-84				792	0-05-50	
		2491/2	0-21-95				793	0-02-00	
		2484/2	0-05-76				794	0-00-60	
		रोड	0-06-91				781	0-37-50	
		2484/1	0-40-90				683	0-16-65	
		2479	0-04-80				680	0-08-45	
		2480	0-00-15				682	0-15-40	
		2476	0-31-90				केनाल	0-05-56	

1	2	3	4	5	1	2	3	4	5
नवसारी	जलालपुर	23 : वेडछा	684	0-43-50	नवसारी	गणदेवी 25 : सालेज		258	0-10-69
			685	0-24-00				259	0-05-94
			686	0-31-50				260	0-08-32
			687	0-22-50				261	0-19-01
			रोड	0-04-50				245	0-04-75
			646	0-16-08				243	0-09-50
			641	0-28-50				242	0-14-26
			625	0-18-00				241	0-09-50
			केनाल	0-14-13				239	0-19-81
			626	0-24-00				237/अ	0-15-44
			601	0-15-00				237/ब	0-15-44
			कुल	08-05-47				236	0-07-13
								कुल	03-63-44
	गणदेवी	24 : कोलवा	188	01-11-67		26 : इच्छापुर		321	0-18-41
			191	0-15-49				320	0-00-59
			190	0-57-02				322	0-10-69
			204	0-42-77				317	0-17-82
			256	0-11-88				316	0-08-91
			205	0-21-41				281	0-21-38
			255	0-38-02				280	0-05-94
			कारट्रेक	0-07-13				279	0-24-35
			254	0-01-83				278	0-15-44
			223	0-45-14				277	0-25-54
			253	0-23-76				276	0-08-91
			224	0-64-15				275	0-05-94
			221	0-07-96				274	0-09-50
			225	0-28-51				271	0-48-68
			226	0-07-08				कारट्रेक	0-09-47
			227	0-19-01				266	0-38-01
			232	0-00-07				265	0-01-33
			231	0-09-50				263	0-19-00
			230	0-23-76				264	0-01-44
			228	0-01-28				178	0-16-03
			233	0-03-42				254	0-29-10
			217/अ	0-99-79				180	0-09-31
			215	0-76-03				201	0-35-64
			कारट्रेक	0-07-13				216	0-54-64
			326	0-99-79				217	0-18-41
			कुल	08-23-62				220	0-32-07
								रोड	0-06-36
								584	0-26-75
	25 : सालेज		केनाल	0-04-75				608	0-20-96
			119	0-09-61				607	0-11-28
			120	0-32-07				587	0-06-04
			कारट्रेक	0-02-38				588	0-20-79
			123	0-15-44				डेडल	0-05-02
			125	0-73-66				589	0-11-88
			131	0-29-70				590	0-08-91
			134	0-03-56				605	0-03-56
			रोड	0-02-38				592	0-32-08
			132	0-02-19				594	0-01-13
			रोड	0-04-75				593	0-02-08
			253	0-05-05				रीवर	0-49-17
			252	0-38-91				कुल	06-92-56



1	2	3	4	5	1	2	3	4	5
नवासरी	गणदेवी	27 : माणेकपुर रोड		0-50-69	नवासरी	गणदेवी	30 : घनोरी	378	0-13-21
		49		0-23-04				379	0-33-94
		51		0-04-50				374	0-06-98
		88		0-14-40				321	0-07-64
		90		0-25-34				केनाल	0-04-90
		95		0-17-28				373	0-43-17
		127/पैकी		0-16-50				372	0-00-25
		रोड		0-03-00				रोड	0-08-21
		89		0-04-03				325	0-49-60
		127		0-12-00				ड्रेन	0-08-21
		128		0-00-75				326	0-15-16
		कुल		01-51-53				327	0-52-10
	(28) गडत	103		0-31-50				328	0-07-03
		102		0-08-25				कारट्रेक	0-04-94
		माइनो केनाल		0-32-06				265	0-03-55
		104		0-06-75				63	0-04-91
		100		0-05-25				264	0-44-53
		98		0-06-75				रोड	0-03-77
		97		0-04-50				63/पैकी	0-11-79
		108		0-02-25				96/1	0-62-72
		96		0-19-58				98	0-34-22
		109		0-24-00				केनाल	0-04-98
		113		0-09-75				101	0-38-36
		112		0-04-50				110	0-05-63
		114		0-02-25				108	0-26-89
		रोड		0-10-49				109	0-48-76
		115		0-00-75				ड्रेन	0-04-50
		160		0-08-50				120	0-01-53
		158		0-17-28				121	0-13-87
		157		0-53-76				ड्रेन	0-02-76
		156		10-29-75				ड्रेन	2-23-45
		147		0-34-50				809	0-23-45
		146		0-06-00				877	0-02-76
		रोड		0-03-00				रोड	0-07-08
		134		0-25-51				804	0-43-68
		135		0-20-55				805	0-29-10
		कारट्रेक		0-04-50				803	0-05-96
		कुल		03-72-19				766	0-11-86
	29 : पाथरी	290		0-63-28				801	1-51-32
		289		0-26-54				802	2-67-72
		288		0-15-47				799	1-86-24
		287		0-04-50				800	0-17-46
		रोड		0-19-80				कुल	04-14-98
		298		0-25-45				(31) बडसांगड़	
		297		0-04-06				ड्रेन	0-03-00
		299		0-20-97				143	0-09-84
		344		0-63-28				141	0-05-47
		343		0-04-50				केनाल	0-13-63
		342		0-34-42				142	0-04-59
		341		0-20-18				कुल	01-36-53
		336		0-20-87					
		335		0-37-72					
		23		0-18-08					
		कुल		03-79-22					

[illegible]

1	2	3	4	5	1	2	3	4	5
नवसारी	गणदेवी (36) केसली		431	0-20-45	नवसारी	गणदेवी	(39) उंडाच		
			430	0-17-02			(बी एफ)	खाडी	0-10-48
			429	0-16-75				1825	0-04-99
			818	0-06-43				1823	0-19-26
			819	0-15-01				1822	0-23-65
			820	0-09-35				1834	0-06-24
			821	0-08-12				1835	0-05-74
			कुल	05-07-81				1836	0-02-99
	(37) नांदरखा							केनाल	0-01-50
			774	0-03-77				1811	0-11-98
			773/1	0-21-23				1810	0-14-97
			766/1	0-06-12				1809	0-02-25
			765/1	0-00-38				1807	0-07-48
			केनाल	0-13-50				1733	0-04-49
			766/2	0-04-61				1734	0-05-24
			765/2	0-07-19				1732	0-06-49
			764/2	0-02-75				1735	0-23-95
			767	0-27-31				1729	0-02-00
			768	0-03-41				1728	0-02-25
			748	0-01-60				1701	0-08-98
			747	0-17-00				1702	0-04-49
			740	0-45-04				1704	0-06-59
			1315	0-38-68				1703	0-05-99
			1314	0-17-15				1698	0-12-87
			678	0-34-35				1692	0-03-59
			676	0-06-80				1693	
			677	0-01-86				1691	0-01-20
			673	0-00-10				1690	0-03-37
			कारट्रेक	0-10-50				1675	0-17-96
			668	0-25-82				कारट्रेक	0-01-50
			666	0-17-29				1682	0-16-96
			619	0-10-13				1676	0-06-99
			618	0-01-66				1680	0-04-49
			617	0-01-28				1681	0-23-95
			616	0-02-89				कारट्रेक	0-05-99
			रोड	0-03-50				1601	0-18-81
			615/2	0-00-58				1600	0-32-08
			595/2	0-04-50				1594	0-13-47
			कारट्रेक	0-03-46				1627	0-45-16
			604/1	0-04-61				1626	0-00-75
			607	0-49-54				1625	0-02-00
			606	0-01-01				1588	0-10-98
			605	0-04-87				1587	0-3-99
			601	0-13-86				1585	0-01-25
			595/1	0-07-23				1584	0-12-32
			602	0-01-73				1583	0-04-39
			600	0-01-04				1579	0-20-21
			599	0-10-77				1580	0-17-96
			कुल	04-30-60				कुल	04-64-21

1	2	3	4	5	1	2	3	4	5
नसवारी	चिखली	(38) चंकाळ	241	0-07-00	नसवारी	चिखली	(38) चंकाळ	2062	0-01-80
			240	0-11-00				2061	0-03-00
			239	0-29-00				2056	0-03-40
			238	0-01-20				2057	0-00-50
			237	0-02-40				2060	0-03-50
			236	0-13-50				2066	0-05-20
			231	0-22-50				2090	0-05-70
			219	0-10-00				1989	0-25-00
			220	0-08-00				2129	0-10-80
			216	0-02-80				1988	0-07-20
			215	0-03-20				1979	0-46-45
			214	0-02-50				1981	0-00-45
			213	0-03-50				2141	0-14-45
			212	0-07-00				2145	0-20-25
			171	0-02-80				1978	0-09-00
			172	0-03-60				2146	0-08-45
			176	0-02-50				रीवर	0-09-00
			184	0-03-00				1939	0-27-00
			कारट्रेक	0-20-00				1938	0-15-00
			पोण्ड	0-07-75				1937	0-03-75
			2093	0-05-00				1936	0-05-40
			2092	0-03-00				1935	0-08-40
			2095	0-08-50				रीवर	0-28-50
			रोड	0-04-50			(41) बलवाडा	कुल	05-37-30
			2091	0-10-50				772	0-00-30
			2088	0-02-50				रोड	0-11-88
			2090	0-05-00				सरकारी-जमीन	0-10-69
			2089	0-02-40				776	0-21-38
			2076	0-04-80				778	0-14-26
			2075	0-02-60				779	0-20-79
			2074	0-13-50				777	0-13-54
			2078	0-01-45				780	0-09-03
			2077	0-00-80				816	0-43-96
			2042	0-01-50				820	0-11-28
			2073	0-07-50				819	0-01-43
			2071	0-01-80				818	0-00-95
			2044	0-09-70				917	0-01-27
			2045	0-02-50				828	0-23-17
			2046	0-02-65				830	0-74-25
			2047	0-01-95				खाडी	0-02-97
			2048	0-06-85				कुल	02-61-15
			2050	0-03-85					
			2049	0-09-00					

[फा. सं. एल.-14014/24/01-जी.पी.]

स्वामी सिंह, निदेशक

New Delhi, the 3rd June, 2002

S.O. 1962.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Hazira-Uran pipeline project in Gujarat State, a pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Darpan Building, 1st floor, R.C. Dutt Road, Alkapuri, Vadodara-390005 (Gujarat).

## SCHEDULE

Dist.	Tehsil	Village	Survey No./ Block No.	Land to be acquired for R.O.U. in Hectares.
1	2	3	4	5
Navsari	Jalalpor	(12) Nadod	232	0-07-80
			235	0-39-17
			236	0-10-37
			218	0-39-17
			216	0-23-04
			214	0-31-10
			212	0-34-56
			Road	0-02-30
			196	0-06-91
			197	0-27-65
			198	0-11-52
			204/P	0-17-28
			Khadi	0-16-13
			203	0-06-91
			202	0-63-36
			131	0-11-52
			132	0-40-32
			134	0-22-40
			135	0-08-06
			Road	0-05-76
			109	0-11-52
			Canal	0-17-28
			110	0-03-45
			111	0-57-60
			112	0-29-95
			116	0-34-56
			117	0-32-26
			237	0-08-06
			Total :	06-20-01
Navsari	Jalalpor	(13) Dalki	20	0-25-34
			Road	0-05-76
			22	0-63-36
			28	0-36-86
			26	0-02-69
			27	0-05-38
			25	0-14-97
			39	0-31-10
			41	0-31-10
			Khadi	0-16-60
			43	0-04-61
			Total :	06-20-01

1	2	3	4	5
Navsari	Jalalpor	(13) Dalki	44	0-29-95
			45	0-05-76
			46	0-07-49
			49	0-03-84
			48	0-21-89
			61	0-20-74
			62	0-09-22
			63	0-09-79
			64	0-21-31
			65	0-24-77
			71	0-08-07
			Total :	04-01-60
		(14) Arsan	172	0-30-52
			171	0-25-35
			168	0-07-48
			Road	0-06-90
			169	0-11-30
			Total :	0-81-55
Navsari	Jalalpor	(15) Simalgam	126	0-46-08
			131	0-48-38
			132	0-68-31
			163	0-00-86
			162	0-35-71
			Khadi	0-09-22
			331	0-13-82
			332	0-06-91
			333	0-17-28
			Khadi	0-06-95
			336	0-27-65
			334	0-00-52
			335	0-28-80
			325	0-10-37
			324	0-16-13
			Road	0-16-13
			244	0-12-48
			243	0-00-36
			245	0-05-76
			237	0-28-80
			247	0-63-49
			258	0-26-33
			257	0-11-52
			250	0-19-01
			254	0-21-31
			251	0-05-76
			252	0-15-92
			Total :	05-64-05
Navsari	Jalalpor	(16) Alura	103	0-08-23
			102	0-14-37
			104	0-11-98
			107	0-05-50
			106	0-23-65
			108	0-02-07
			109	0-01-88
			110	0-00-31
			111	0-09-25
			115	0-43-10
			116	0-00-68
			130	0-19-58
			132	0-02-76
			133	0-11-32
			134	0-15-67
			Road	0-08-06
			139	0-01-08
			138	0-30-02

1	2	3	4	5	1	2	3	4	5
	(16) Alura		150	0-27-65			(18) Jalalpor	456/2	0-47-23
			Govt. Land	04-60-80				455/1, 2, 3, 4,	0-16-00
			Total :	06-98-16				451/1	
Navsari	Jalalpor	(17) Bodali	River	02-45-92				451/2,	
			616	0-41-89				451/2,	
			617	0-19-01				451/3, A, B	0-33-41
			618	0-11088				450/1, 2, 3, 4	0-41-47
			620	0-10-69				448/1, 2, 3	0-28-80
			River	0-81-08				427	0-31-10
			Total :	01-80-37				426/1, 2, 3	0-18-43
Navsari	Jalalpor	(18) Jalalpor	River	0-10-01-38				425/1-2	0-33-99
			110/1,					396	
			110/2/1,					396/P,	0-06-34
			110/2/2,					395/1, 2, 3, 4, 5,	
			110/3, 4, 5	0-58-75				395/1-P,	
			111/1, 2,					395/2-1'	
			111/3/1,					395/2-1/P,	
			111/3/2,					395/2/2/P,	
			111/3/3/1,					3965/2/2/P,	0-42-62
			111/3/3/2	0-07-49				394/1/P,	
			109/1, 2, 3, 4, 5, 6	0-51-84				394/2,	
			107/1-A, B					394/3,	
			107/2, 4, 5					394/4	0-20-74
			107/3-1					Cart-track	0-01-05
			107/3-2	0-50-69				389/1,	
			108/1, 2, 3					389/2	0-53-50
			4, 5, 6	0-05-18				365/1,	
			106/1-1					365/2,	
			106/1-2,					365/3	0-40-90
			106/2, 3, 4, 5	0-34-56				366/1,	
			81/1-1					366/2	0-06-34
			81/1-2					Total :	10-95-51
			81/2-3	0-38-02	Navsari	Jalalpor	(19) ERU	561	0-01-73
			82/1, 2, 3,					560	0-06-72
			4, 5, 6, 7, 8,					Road	0-05-76
			82/7 6-A	0-26-50				570	0-12-33
			79/1-1-1-1,					555	0-17-28
			79/1-1-1-2,					553	0-04-03
			79/1/1/-2,					554	0-05-76
			79/1-1-3,					Road	0-20-74
			79/1-1-4,					572	0-18-43
			79/1-1-4,					578	0-39-17
			79/1/2,					577/1	
			79/2, 3, 4	0-04-03				577/2	0-20-74
			78/1, 2, 3, 4,					577/3	
			5, 6, 7	0-48-38				579	0-36-86
			77/1, 2, 3, 4,					580/1, 2	0-21-89
			5, 6, 7, 8	0-35-71				598	0-04-61
			Drain	0-04-61				VB of Ethan	0-72-58
			468/1-1,					741	0-05-76
			468/1-2,					740	0-00-38
			468/2	0-21-89				739	0-90-22
			466/1-1,					742/1, 2, 3	0-25-34
			466/1-2,					743	0-00-38
			466/2	0-26-50				745/1, 2, 3,	
			465	0-15-68				4, 5, 6	0-27-65
			462/1, 2, 3,					746	0-08-06
			4, 5	0-14-98				747	0-03-46
			463	0-25-34				748	0-06-91
			460/1, 2, 3,					263	0-15-00
			4, 5, 6	0-43-20				749	0-23-04
			458/1, 2	0-26-50				751-1, 2, 3	0-17-28
			457/1, A, B,					Total :	5-12-10
			457/2, 3	0-32-26	Navsari	Jalalpor	(20) Bhutsad	218	0-14-26
			456/1,					Road	0-05-94
			456/2,					182	0-96-23

1	2	3	4	5	1	2	3	4	5
			185	0-19-58			(22) Abrama	2296	0-20-01
		(20) Bhutsad	187	0-14-98				2341	0-22-60
			188	0-14-98				2297	0-03-84
			118	0-51-84				2337	0-03-07
			145	0-24-22				2338	0-10-00
			146	0-19-06				2336	0-09-58
			133	0-01-71				2335	0-23-35
			Road	0-10-41				2334	0-01-80
			93	0-40-32				2376	0-17-86
			62	0-29-22				2375	0-23-75
			61	0-27-32				2400	0-14-50
			58	0-32-08				2399	0-07-68
			Khadi	0-06-91				2403	0-14-80
			59	0-14-40				2398	0-01-25
			60	0-14-40				2397	0-01-30
			Total :	04-37-86				2404	0-28-04
Navsari	Jalalpor	(21) Mandir	806	0-24-95				2405	0-14-72
			805	0-17-86				2407	0-04-80
			Road	0-06-91				2408	0-28-90
			821	0-03-07				Road	0-03-46
			830	0-20-73				2510	0-14-30
			829	0-23-04				2514	0-37-60
			828	0-02-88				2508/1	0-07-68
			Canal	0-11-52				Road	0-11-52
			828/p	0-08-06				2508/2	0-10-37
			827	0-33-28				2501/2	0-02-88
			826	0-04-60				2500	0-23-04
			Canal	0-14-98				2499/1	0-22-84
			849	0-05-94				2491/2	0-21-95
			879	0-03-46				2484/2	0-05-76
			878	0-21-89				Road	0-06-91
			877	0-08-06				2484/1	0-40-90
			876	0-20-74				2479	0-04-80
			868	0-02-88				2480	0-00-15
			875	0-06-91				2478	0-31-90
			869	0-27-32				Road	0-05-76
			870	0-01-73				309	0-00-38
			871	0-03-46				319	0-18-20
			863	0-40-08				318	0-00-57
			862	0-09-22				317	0-09-60
			Road	0-09-21				316	0-18-43
			934	0-38-71				Road	0-15-00
			935	0-05-76				314	0-19-30
			939	0-09-50				327	0-26-50
			937	0-14-98				326	0-14-40
			Road	0-06-91				334/1	0-43-78
			859	0-35-64				335	0-11-52
			950	0-10-36				338	0-09-60
			966	0-05-76				339/1	0-15-94
			965	0-16-13				341	0-29-76
			964	0-14-97				342/1	0-01-35
			963	0-12-67				Total :	08-29-87
			953	0-03-84	Navsari	Jalalpor	(23) Vedchha	1036	0-02-50
			962	0-04-75				1035	0-32-00
			954	0-10-69				1038	0-04-80
			955	0-52-27				1039	0-34-20
			956	0-21-62				1040	0-27-00
			957	0-13-25				1041	0-05-25
			Khadi	0-22-16				1029	0-12-75
			Total :	06-32-77				1028	0-01-50
Navsari	Jalalpor	(22) Abrama	Khadi	0-42-30				D. Canal	0-03-00
			2293/2	0-01-15				1027	0-12-00
			2293/1	0-12-09				1042	0-22-50
			2294	0-14-98				1026	0-07-50
			2243	0-10-75				1009	0-13-50
			2295	0-09-60				1043	0-06-00
								1008	0-37-06
								RLY	0-03-33

1	2	3	4	5	1	2	3	4	5
Navsari	Jalalpor	(23) Vedchha	975	0-13-50			(25) Salej	Road	0-04-75
			969	0-24-00				253	0-05-05
			974	0-46-06				252	0-38-91
			Road	0-04-50				258	0-01-69
			809	0-12-00				259	0-05-94
			810	0-18-00				260	0-08-32
			811	0-26-00				261	0-19-01
			802	0-05-50				245	0-04-75
			800	0-03-00				243	0-09-50
			799	0-24-00				242	0-14-26
			791	0-25-65				241	0-09-50
			792	0-05-50				239	0-19-01
			793	0-02-00				237/A	0-15-44
			794	0-00-60				237/B	0-15-44
			781	0-37-50				236	0-07-13
			683	0-16-65					
			680	0-08-45				Total	03-63-44
			682	0-15-40					
			Canal	0-05-56	Navsari	Gandevi	(26) Ichhapor	321	0-18-41
			684	0-43-50				320	0-00-59
			685	0-24-00				322	0-10-69
			686	0-31-50				317	0-17-82
			687	0-22-50				316	0-08-91
			Road	0-04-50				281	0-21-38
			646	0-61-08				280	0-05-94
			641	0-28-50				279	0-24-35
			625	0-18-00				278	0-15-44
			Canal	0-14-13				277	0-25-54
			626	0-24-00				276	0-08-91
			601	0-15-00				275	0-05-94
			Total	08-05-47				274	0-09-50
								271	0-48-68
								Cart-track	0-09-47
Navsari	Gandevi	(24) Kolva	188	0-11-67				266	0-38-01
			191	0-15-49				265	0-01-33
			190	0-57-02				263	0-19-0
			204	0-42-77				264	0-01-44
			256	0-11-88				178	0-16-03
			205	0-21-41				254	0-29-10
			255	0-38-02				180	0-09-31
			Cart track	0-07-13				201	0-35-64
			254	0-01-83				216	0-54-64
			223	0-45-14				217	0-18-41
			253	0-23-76				220	0-32-07
			224	0-64-15				Road	0-06-36
			221	0-07-96				584	0-26-75
			225	0-28-51				608	0-20-96
			226	0-07-08				607	0-11-28
			227	0-19-01				587	0-06-04
			232	0-00-07				588	0-20-79
			231	0-09-50				Drain	0-05-02
			230	0-23-76				589	0-11-88
			228	0-01-28				590	0-08-91
			233	0-03-42				605	0-03-56
			217/A	0-99-79				592	0-32-08
			215	0-76-03				594	0-01-13
			Cart track	0-07-13				593	0-02-08
			326	0-99-79				River	0-49-17
			Total	08-23-62				Total	06-92-56
		(25) Salej	Canal	0-04-75					
			119	0-09-61				River	0-50-69
			120	0-32-07			(27) Manikpur	49	0-23-04
			Cart-track	0-02-38				51	0-04-50
			123	0-15-44				88	0-14-40
			125	0-73-66				90	0-25-34
			131	0-29-70				95	0-17-28
			134	0-03-56				127/P	0-16-50
			Road	0-02-38				Road	0-3-00
			132	0-02-19					



1	2	3	4	5	1	2	3	4	5
		(27) Manikpur	89	0-04-03			(30) Dhanori	98	0-34-22
			127	0-12-00			Canal		0-04-98
			128	0-00-75			101		0-38-36
			Total	01-71-53			110		0-05-63
Navsari	Gandevi	(28) Gadat	103	0-31-50			108		0-26-89
			102	0-08-25			109		0-48-76
			Canal	0-32-06			Drain		0-04-50
			104	0-06-75			120		0-01-53
			100	0-05-25			121		0-13-87
			98	0-06-75			Drain		0-02-76
			97	0-04-50			Drain		0-56-08
			108	0-02-25			809		0-23-45
			96	0-19-58			877		0-02-76
			109	0-24-00			Road		0-07-08
			113	0-09-75			804		0-43-68
			112	0-04-50			805		0-29-10
			114	0-02-25			803		0-05-96
			Road	0-10-49			766		0-31-86
			115	0-00-75			801		01-51-32
			160	0-08-50			802		02-67-72
			158	0-17-28			799		0-86-24
			157	0-53-76			800		0-17-46
			156	0-29-75			Total		08-14-98
			147	0-34-50			(31) Vadaangal Drain		0-03-00
			146	0-06-00			143		01-09-84
			Road	0-03-00			141		0-05-47
			134	0-25-51			Canal		0-13-63
			135	0-20-55			142		0-04-59
			Cart-track	0-04-50			Total		01-36-53
			Total	03-72-19			(32) Khergam	23	0-23-04
		(29) Pathri	290	0-63-28			24		0-24-77
			289	0-26-54			Road		0-10-36
			288	0-15-47			25		0-49-54
			287	0-19-80			31		0-29-05
			Road	0-04-50			33		0-92-16
			298	0-25-45			Cart-track		0-09-59
			297	0-04-06			34		0-02-69
			299	0-20-97			35		0-24-58
			344	0-63-28			Vegniya River		0-33-41
			343	0-04-50			Total		02-99-19
			342	0-34-42			(33) Desad	Vegadiya River	0-30-00
			341	0-20-18			98		01-16-35
			336	0-20-87			Cart-track		0-01-92
			335	0-37-72			80		0-33-30
			23	0-18-08			81		0-07-33
			Total	03-79-22			Canal		0-08-73
Navsari	Gandevi	(30) Dhanori	378	0-13-21			81/P		0-05-76
			379	0-33-94			RLY		0-01-15
			374	0-06-98			82		0-16-50
			321	0-07-64			Road		0-08-78
			Canal	0-04-90			243		0-00-75
			373	0-43-17			239		0-20-25
			372	0-00-25			240		0-45-00
			Road	0-08-21			242		0-12-00
			325	0-49-60			Cart-track		0-03-05
			Drain	0-08-21			241		0-37-98
			326	0-15-16			249		0-20-96
			327	0-52-10			Drain		0-27-96
			328	0-07-03			Total		03-97-77
			Cart-track	0-04-94			(34) Ambheta	Drain	0-10-22
			265	0-03-55			204		0-19-62
			63	0-04-91			203		0-05-94
			264	0-44-53			202		0-07-87
			Road	0-03-77			201		0-59-90
			63/P	0-11-79					
			96/1	0-62-72					

1	2	3	4	5	1	2	3	4	5
Navsari (Comtd.)	Gandevi	(34) Ambheta	197	0-93-31	Navsari	Gandevi	(36) Kesali	427	0-32-22
			195	0-55-78				432	0-02-07
			Road	0-03-21				431	0-20-45
			Total	02-55-86				430	0-17-02
		(35) Pati	252	0-01-38				429	0-16-75
			251	0-00-37				818	0-06-43
			253	0-11-37				819	0-15-01
			254	0-04-86				820	0-09-35
			257	0-08-64				821	0-08-12
			258	0-07-02				Total	05-07-81
			259	0-01-05			(37) Nandarkha	774	0-03-77
			260	0-02-50				773/1	0-21-23
			261	0-05-97				766/1	0-06-12
			262	0-02-30				765/1	0-00-38
			264	0-00-37				Canal	0-13-50
			263	0-04-61				766/2	0-04-61
			273	0-06-00				765/2	0-07-19
			272	0-01-06				764/2	0-02-75
			275	0-03-63				767	0-27-31
			276	0-00-37				768	0-03-41
			274	0-04-79				748	0-01-60
			217	0-05-76				747	0-17-00
			Canal	0-18-82				740	0-45-04
			277	0-02-10				1315	0-38-68
			286	0-05-18				1314	0-17-15
			287	0-05-20				678	0-34-35
			313	0-06-91				676	0-06-80
			314	0-01-58				677	0-01-86
			315	0-01-30				673	0-00-10
			316	0-01-74				Cart-track	0-10-50
			317	0-02-38				668	0-25-82
			310	0-01-06				666	0-17-29
			318	0-08-64				619	0-10-13
			309	0-01-07				618	0-01-66
			319	0-38-02				617	0-03-28
			308	0-06-05				616	0-02-89
			307	0-00-05				Road	0-03-50
			Cart-track	0-05-76				615/2	0-00-58
			320	0-12-67				595/2	0-04-50
			Total :	0-85-58				Cart-track	0-03-46
		(36) Kesali	280	0-04-63				604/1	0-04-61
			Cart-track	0-08-23				607	0-49-54
			281	0-06-96				606	0-01-01
			283	0-23-04				605	0-04-87
			Cart-track	0-06-84				601	0-13-36
			289	0-08-40				595/1	0-07-23
			290	0-07-60				602	0-01-73
			297	0-07-78				600	0-01-04
			298	0-06-94				599	0-10-77
			299	0-20-74				Total	04-30-60
			300	0-11-02			(39) Undach (VF)	Khadi	0-10-48
			314	0-19-98				1825	0-04-99
			Road	0-03-78				1823	0-19-26
			316	0-14-98				1822	0-23-65
			315	0-29-95				1834	0-06-24
			325	0-18-44				1835	0-05-74
			326	0-14-98				1836	0-02-99
			327	0-38-45				Canal	0-01-50
			413	0-24-00				1811	0-11-98
			435	0-88-70				1810	0-14-97
			422	0-01-90					
			426	0-13-46					

1	2	3	4	5	1	2	3	4	5
Navsari (Contd.)	Oandevi (39)	Undach	1809	0-02-23	Navsari (Contd.)	Chikhali (38)	Vankal	2091	0-10-30
			1807	0-07-48				2088	0-02-30
			1733	0-04-49				2090	0-03-00
			1734	0-03-24				2089	0-02-40
			1732	0-06-49				2076	0-04-80
			1735	0-23-93				2075	0-02-60
			1729	0-02-00				2074	0-13-30
			1728	0-02-25				2078	0-01-45
			1701	0-08-98				2077	0-00-80
			1702	0-04-49				2042	0-01-30
			1704	0-06-39				2073	0-07-30
			1703	0-05-99				2071	0-01-80
			1698	0-12-87				2044	0-09-70
			1692	0-03-39				2043	0-02-30
			1691	0-01-20				2046	0-02-65
			1690	0-03-37				2047	0-01-95
			1675	0-17-96				2048	0-06-85
			Cart-track	0-01-50				2050	0-03-85
			1682	0-16-96				2049	0-09-00
			1676	0-06-99				2062	0-01-80
			1680	0-04-49				2061	0-03-00
			1681	0-23-93				2056	0-03-40
			Cart-track	0-05-99				2057	0-00-30
			1601	0-18-81				2060	0-03-30
			1600	0-32-08				2066	0-05-20
			1594	0-13-47				2090	0-05-70
			1627	0-45-16				1989	0-25-00
			1626	0-00-75				2129	0-10-80
			1625	0-02-00				1988	0-07-20
			1588	0-10-98				1979	0-46-45
			1587	0-03-99				1981	0-00-45
			1585	0-01-25				2141	0-14-45
			1584	0-12-32				2145	0-20-25
			1583	0-04-39				1978	0-09-00
			1579	0-20-21				2146	0-08-45
			1580	0-17-96				River	0-09-00
			Total	04-64-21				1939	0-27-00
Chikhali	(38)	Vankal	241	0-07-00				1938	0-15-00
			240	0-11-00				1937	0-03-75
			239	0-29-00				1936	0-05-40
			238	0-01-20				1935	0-08-40
			237	0-02-40				River	0-28-50
			236	0-13-50				Total	05-37-30
			231	0-22-50				772	0-00-30
			219	0-10-00				Road	0-11-88
			220	0-08-00				Govt. Land	0-10-69
			216	0-02-80				776	0-21-38
			215	0-03-20				778	0-14-26
			214	0-02-50				779	0-20-79
			213	0-03-50				777	0-13-54
			212	0-07-00				780	0-09-03
			171	0-02-80				816	0-43-96
			172	0-03-60				820	0-11-28
			176	0-02-50				819	0-01-43
			184	0-03-00				818	0-00-95
			Cart-track	0-20-00				817	

नई दिल्ली, 3 जून, 2002

का.अ. 1963.— केन्द्रीय सरकार को लोक हित में यह आवश्यक प्रतीत होता है कि गुजरात राज्य में हजीरा-उरान पाइपलाइन परियोजना के माध्यम से प्राकृतिक गैस के परिवहन के लिए गैस अथॉरिटी ऑफ इंडिया लिमिटेड द्वारा एक पाइपलाइन बिछाई जानी चाहिए;

और केन्द्रीय सरकार को उक्त पाइपलाइन बिछाने के प्रयोजन के लिए यह आवश्यक प्रतीत होता है कि उस भूमि में, जिसमें पाइपलाइन बिछाए जाने का प्रस्ताव है और जो इस अधिसूचना से संलग्न अनुसूची में वर्णित है, उपयोग के अधिकार का अर्जन किया जाए;

अतः अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, उस भूमि में उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा करती है;

कोई व्यक्ति, जो उक्त अनुसूची में वर्णित भूमि में हितबद्ध है, उस तारीख से जिसको उक्त अधिनियम की धारा 3 की उपधारा (1) के अधीन राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रति साधारण जनता को उपलब्ध करा दी जाती है, इक्कीस दिन के भीतर, भूमि के नीचे पाइपलाइन बिछाए जाने के संबंध में, सक्षम प्राधिकारी, गैस अथॉरिटी ऑफ इंडिया लिमिटेड, दर्पण बिल्डिंग, प्रथम तल, आर.सी. दत्त रोड, अल्कापुरी, बडोदरा-390 005 (गुजरात) को लिखित रूप में आक्षेप भेज सकेगा।

## अनुसूची

जिला	तहसील	ग्राम	सर्वे नंबर/ ब्लॉक नंबर	उ.का.अ. के लिए अर्जित की जाने वाली भूमि (हेक्टर में)
1	2	3	4	5
वलसाड	वलसाड	(40)		
		आगानधारा	637	0-42-17
			636	0-01-39
		खाडी		0-06-34
		रोड		0-07-12
			601	0-21-74
			600	0-02-53
		रीवर		0-32-08
			365	0-43-74
			366	0-02-00
			372	0-03-56
			364	0-29-41
			371	0-02-00
			377	0-07-60
			363	0-13-78
		कार-ट्रेक		0-02-97
			380	0-21-50
			379	0-02-50

1	2	3	4	5
वलसाड	वलसाड	(40) बागलधारा		
		—जारी	428	0-14-73
			381	0-08-55
			407	0-06-73
			383	0-24-95
			406	0-19-01
			390	0-23-88
			404	0-00-59
			403	0-02-85
			391	0-22-44
		केनाल		0-07-12
			129	0-05-15
			130	0-16-23
		128/पैकी		0-28-51
		128/पैकी		
		कार्ट-ट्रेक		0-03-56
			127	0-05-00
			121	0-25-89
			122	0-36-83
			124	0-21-38
		कुल :		05-15-83
वलसाड	वलसाड	(42) गोरगाम	910	0-09-42
			911	0-10-74
			912	0-59-78
			923	0-07-63
			919	0-19-58
			918	0-16-13
			917	0-42-62
			949	0-39-17
			950	0-08-56
			951	0-14-98
			952	0-11-85
			953	0-04-03
			954	0-09-22
			955	0-03-75
		रोड		0-03-46
			883	0-30-19
		कार्ट-ट्रेक		0-02-30
			882	0-51-33
			881	0-34-92
		कार्ट-ट्रेक		0-04-61
			217	0-43-78
			215	0-30-00
		केनाल		0-02-30
			236	0-20-74
			237	0-25-34
		केनाल		0-03-46
			158	0-27-50
			247	0-04-00
			150	0-29-95
			151	0-26-50

1	2	3	4	5	1	2	3	4	5
बलसाड	बलसाड	(42) गोरगाम	152	0-11-52	बलसाड	बलसाड	(44) फनसवाडा	458	0-03-11
		—जारी	कारट्रेक	0-05-76			—जारी	462	0-11-25
			103	0-12-67				457	0-11-31
			116	0-19-50				कारट्रेक	0-02-32
			105	0-63-36				648	0-24-44
			119	0-00-50				केनाल	0-17-15
			120	0-08-50				651	0-20-25
			121	0-69-12				653	0-34-87
			123/पैकी	0-05-50				654	0-01-21
			केनाल	0-04-61				652	0-06-49
			कुल	07-98-87				646	0-28-07
बलसाड	बलसाड	(43) त्रिघरा	120	0-15-44	बलसाड	बलसाड	(45)		
			121	0-65-33			कोचवाडा	203	0-01-19
			38	0-97-42				204	0-05-94
			37	0-08-02				208	0-13-59
			कारट्रेक	0-16-63				209	0-32-91
			19	0-29-89				210	0-03-71
			20	0-20-00				रोड	0-06-26
			22	0-36-43				201	0-12-25
			21	0-19-19				42	0-08-08
			30	0-43-71				केनाल	0-09-18
			29	0-00-58				198	0-17-82
			256	01-00-29				199	0-14-20
			255	0-02-37				138	0-36-83
			रोड	0-16-99				144	0-13-80
			250	0-26-13				143	0-01-04
			253	0-45-14				139	0-10-70
			251	0-42-76				रोड	0-05-05
			252	01-35-93				136	0-42-03
			कुल :	07-22-25				132	0-02-48
बलसाड	बलसाड	(44)						131	0-02-98
		फनसवाडा	395	0-01-34				कुल :	02-56-85
			396	0-14-97	बलसाड	बलसाड	(46) राबडा	620	0-03-52
			कारट्रेक	0-04-80				621	0-21-38
			408	0-02-03				622	0-18-74
			407	0-04-09				629	0-06-20
			405	0-02-06				639	0-02-34
			410	0-10-87				638	0-07-89
			406	0-10-84				635	0-14-25
			ड्रेन	0-19-90				659	0-06-03
			442	0-20-99				636	0-01-18
			443	0-04-76				653	0-03-15
			445	0-02-09				654	0-26-31
			444	0-24-92				655	0-11-13
			ड्रेन	0-10-49				656	0-02-44
			449	0-34-00				657	0-17-86
			451	0-24-00				खाडी	0-14-41
			ड्रेन	0-08-41				696	0-00-30
			449/पैकी	0-00-95				695	0-01-19
			459	0-37-77				710	0-13-82

1	2	3	4	5	1	2	3	4	5
बलसाड	बलसाड	(46) राबडा	711	0-09-79	बलसाड	बलसाड	(55) गाडरिया	748	0-30-89
		—जारी	कारट्रेक	0-02-34			—जारी	749/पैकी	0-30-80
			712	0-02-54				743	0-01-25
			713	0-00-75				742	0-02-85
			694	0-05-10				750	0-10-68
			कारट्रेक	0-06-21				740	0-01-90
			693	0-06-79				751/अ, ब	0-24-20
			692	0-14-30				केनाल	0-07-12
			677	0-20-46				621	0-32-26
			748	0-16-24				620	0-09-30
			747	0-00-35				623	0-05-94
			749	0-23-70				624	0-23-76
			771	0-05-25				616	0-02-29
			772	0-05-25				625	0-05-94
			770	0-15-00				615	0-03-80
			769	0-16-00				408	0-21-38
			768	0-01-99				407	0-02-37
			767	0-25-22				405	0-02-05
			कारट्रेक	0-11-82				404	0-02-68
			311	01-07-90				403	0-01-89
			314	0-10-69				400	0-01-01
			313	0-03-79				408	0-01-01
			कारट्रेक	0-02-83				399	0-02-18
			310	0-25-44				398	0-02-14
			309	0-26-51				397	0-02-98
			308	0-12-17				396	0-02-02
			307	0-00-10				401	0-01-02
			305	0-15-35				390	0-05-94
			306	0-15-44				391	0-02-32
			304	0-01-67				392	0-02-85
			303	0-26-09				380	0-02-85
			352	0-04-75				379	0-01-31
			कुल	06-13-98				381	0-04-75
								382	0-17-82
								383	0-22-49
								385	0-08-32
								673	0-40-39
								671	0-03-56
								675	0-28-51
								रोड	0-04-75
								कुल	06-06-55
बलसाड	बलसाड	(55) गाडरिया	खाडी	0-13-07	बलसाड	बलसाड	57: अंजलाय	446	0-72-36
			942	0-14-57				421	0-19-50
			रोड	0-11-32				423	0-06-00
			898	0-22-57				केनाल	0-18-53
			897	0-27-79				422	0-06-07
			903	0-02-85				426	0-36-87
			रोड	0-02-37				429	0-25-79
			904	0-02-57				431	0-01-50
			905	0-02-37				430	0-01-01
			909	0-60-59				414	0-21-27
			910	0-04-15				412	0-34-63
			911	0-10-69					
			916	0-07-13					
			917	0-04-75					
			918	0-11-69					
			919	0-16-63					
			920	0-00-50					
			रोड	0-08-32					

1	2	3	4	5	1	2	3	4	5
बलसाड	बलसाड	57 : अजलाव	413	0-02-07	बलसाड	बलसाड	62 : मुली		
		—जारी	कारट्रेक	0-09-37			—जारी	93	0-00-10
			410	0-06-40				98	0-06-54
			409	0-24-55				96	0-03-51
			408	0-47-58				94	0-01-02
			403	0-11-17				97	0-06-73
			406	0-07-03				कारट्रेक	0-02-38
			404	0-52-90				148	0-01-11
			रोड	0-02-73				147	0-10-20
			236	0-20-65				145	0-03-05
			239	0-26-48				114	0-07-18
			रोड	0-03-24				115	0-09-58
			245	0-03-56				116	0-19-00
			240	0-09-15				140	0-01-19
			242	0-01-89				118	0-13-07
			241	0-24-34				126	0-01-22
			232	0-01-48				125	0-04-53
			231	0-57-90				120	0-04-77
			230	0-18-45				119	0-05-35
			कुल	05-74-47				124	0-01-05
								123	0-02-97
बलसाड	बलसाड	61 : ओबाडा	378					केनाल	0-06-51
			378/पैकी					121	0-11-75
			378/पैकी	01-22-36				122	0-04-08
			327	0-72-47				कुल	02-77-10
			375	0-61-13					
			446	0-78-42	बलसाड	बलसाड	63 : धनोरी-3	275	0-18-00
			447	0-32-63				284	0-50-10
			449	0-58-83				287	0-11-85
			448	0-07-03				288/पैकी	0-19-20
			450	0-01-08				केनाल	0-12-75
			खाडी	0-09-08				288	0-60-75
			कुल	04-43-04				1327	0-25-84
								1326	0-14-25
बलसाड	बलसाड	62 : मुली	489	0-01-44				केनाल	0-13-08
			26	0-07-13				332	0-09-83
			27	0-04-73				333	0-07-65
			25	0-07-10				345	0-03-50
			22	0-03-56				351	0-17-21
			35	0-16-63				346	0-01-76
			34	0-03-56				347	0-01-05
			33	0-00-75				350	0-18-50
			40	0-06-10				349	0-01-45
			41	0-17-67				354	0-02-25
			44	0-01-87				717	0-31-43
			43	0-11-93				716	0-22-42
			49	0-01-79				843	0-26-32
			51	0-12-67				844	0-01-85
			रोड	0-03-19				847	0-56-40
			51/पैकी	0-12-00				849	0-12-00
			67	0-03-05				कारट्रेक	0-03-15
			68	0-28-51				956	0-24-65
			95	0-06-53				848	0-06-04

1	2	3	4	5	1	2	3	4	5
बलसाह	बलसाह	63 : धनोरी-3			बलसाह	बलसाह	65/66		
		—जारी	957	0-08-54			ठकुरवाडा		
			958	0-08-15			कान्जणाहारी	875	0-07-50
			955	0-02-50			—जारी	876	0-21-00
			959	0-07-20			कारदेक		0-09-00
			960	0-08-25			838		0-16-50
			964	0-04-31			837		0-15-00
			963	0-14-49			834		0-72-00
			965	0-13-30			831		0-11-25
			953	0-15-00			832		0-04-50
			967	0-01-50			823		0-25-75
			966	0-05-63			819		0-01-25
			948	0-01-73			822		0-07-50
			947	0-02-35			820		0-15-00
			944	0-01-25			821		0-03-50
		बाठन्डी ऑफ					816		0-13-11
		लेक		0-01-80			815		0-13-11
			946	0-00-94			809		0-03-98
			941	0-04-05			807		0-01-13
			940	0-08-40			808		0-02-02
			939	0-08-20			806		0-02-40
			938	0-02-04			805		0-03-00
		बाठन्डी ऑफ					804		0-01-80
		लेक		0-02-55			799		0-02-40
			1070	0-24-65			802		0-01-20
			1071	0-03-85			801		0-03-00
		रोड		0-07-50			800		0-03-00
			1121	0-02-56			782		0-02-22
			1122	0-17-33			791		0-40-20
			1123	0-04-05			792		0-03-60
			1129	0-01-82			786		0-10-20
			1131	0-07-05			785		0-12-68
			1130	0-04-86			केनाल		0-10-80
			1132	0-13-95			746		0-33-00
			1133	0-09-38			751		0-03-90
		रोड		0-13-96			750		0-02-40
			1152	0-08-13			748		0-05-10
			1153	0-05-48			749		0-05-10
			1149	0-14-55			735		0-04-20
			1148	0-05-00			737		0-02-10
			1151	0-14-85			700		0-24-00
			1145	0-08-07			696		0-19-20
		कुल		07-63-76			673		0-04-20
बलसाह	बलसाह	65/66					674		0-01-80
		ठकुरवाडा					675		0-01-80
		कान्जणाहारी	रीवर	0-29-70			676		0-01-80
			856	0-07-50			672		0-00-60
			855	0-17-25			670		0-02-40
			857	0-09-00			678		0-04-80
			854	0-24-30			677		0-12-00
			850	0-15-75			रोड		0-04-80
			849	0-38-25			356		0-06-10
			846	0-10-00			357		0-02-38
			847	0-19-00			358		0-02-77
			रीवर	0-31-50					
			839	0-49-50					



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बलसाड	बलसाड	65/66			बलसाड	पालडी	(47) सोढलवाडा		
		ठक्करवाडा					—जारी	304/1,2	0-15-99
		कान्जगुहारी	359	0-05-38				301/1,2,3	0-03-21
		—जारी	गवणमैट-सेन्ड	0-05-35				288	0-00-19
			353	0-03-20				299	0-19-29
			354	0-00-36				298	0-13-50
			352	0-05-94				296/1,2	0-06-01
			350	0-01-74				297/1,2	0-27-75
			393	0-06-09				295/1,2,3	0-17-25
			349	0-35-05				291/1,2	
			404	0-03-56				291/3-अ,ब,क	
			411	0-00-89				291/4-5	
			410	0-11-88				291/6	0-23-19
			409	0-01-38				294	0-03-49
			408	0-04-75				कारट्रेक	0-14-26
			407	0-11-88				373	0-06-61
			415	0-22-57				378/1	0-06-30
			316	0-02-06				379	0-22-50
			315	0-01-54				380	0-85-46
			313	0-06-00				381/1,2	0-31-29
			314	0-02-37				382	0-00-19
			309	0-02-37					
			308	0-00-68				कुल	07-89-52
			310	0-13-66					
			253	0-42-77	बलसाड	पालडी	(48) सोनवाडा	खाडी	0-21-38
			252	0-08-32				140/1,2	0-08-50
			251	0-00-28				141	0-19-00
			250	0-02-02				142	0-13-06
			241	0-21-38				163	0-35-04
			240	0-17-82				162	0-24-94
			239	0-35-64				144/1,2,3,	
			खाडी	0-09-50				4,5,6,7,8	0-26-96
			कुल	09-86-75				159/1,2	0-00-79
								158	0-00-61
								145	0-21-71
								146/1	0-08-80
								147/1,2	0-17-22
								155/1,2,3	0-21-97
								150	0-43-75
								केनाल	0-15-29
								151	0-06-52
								152	0-05-14
								253/1,2,3,4	0-11-28
								254	0-20-19
								257/1,2,3	0-14-25
								258/1,2,3	0-07-12
								262/1,2,3	0-07-12
								261	0-07-75
								267/1,2	0-10-09
								265/1,2	0-21-38
								274/1,2,3	0-11-48
								275/1,2,3,	
								4,5,6	0-10-69
								273/4,5,6	0-09-90
								276	0-02-37
								277	0-09-50
बलसाड	पालडी	(47)							
		सोढलवाडा	रीवर	0-69-00					
			68/1,2,3	0-23-00					
			67	0-02-00					
			ड्रेन	0-30-01					
			63/1,2,3	0-09-01					
			62/1,2,3,						
			4,5,6,7	0-45-00					
			61/1,2,3,4	0-12-00					
			660/अ,ब	0-54-01					
			59/अ,ब	0-03-99					
			57	0-06-51					
			58/1, 2, 3	0-36-00					
			कारट्रेक	0-07-51					
			256/1, 2	0-07-51					
			ड्रेन	0-11-24					
			313/1,2,3,4	0-61-78					
			309/1,2,	0-38-99					
			307/2						
			307/1,2						
			307/1	0-27-99					
			306/1,2	0-04-99					
			305/1,2	0-36-50					

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बलसाह	पारडी	(50) कापरली	14	0-21-88
		—जारी	15	0-21-00
			9	0-22-50
			8	
			8/2/1-अ	0-06-00
			7	0-12-00
			540/1,2, 3,4	0-07-50
			541/2,3, 4,5	0-29-25
			543/1,4	
			543/2-3	0-02-38
			509	0-16-12
			510/1/पैकी	
			510/2,3, 510/4	
			510/5	0-05-63
			507/1	
			507/2-1	
			507/2/2/पैकी	
			507/2/3/पैकी	
			507/2, 4	
			507/2/5/2	
			507/2/3/पैकी	
			507/3	0-22-50
			185	0-07-25
			184	0-17-50
			182	0-06-00
			183	0-10-00
			193	0-08-45
			179/1,2	0-10-80
			198	0-09-75
			197	0-15-75
			199	0-16-50
			286	0-01-30
			202/1-2	
			202/2-1	
			202/2-3	0-28-55
			204/1-2	0-16-15
			285/1-2	0-26-75
			293	0-00-25
			284/पैकी	0-10-30
			282/1-2	0-39-20
			281	0-06-30
			280	
			280/2	0-42-45
			236/पैकी	0-05-25
			237	0-23-25
			238/1,2	0-17-25
			239	0-01-25
			240/पैकी	0-19-50
			277/पैकी	0-16-05
			277/पैकी	0-16-05
			276	0-09-45
			275/पैकी	0-35-75

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बलसाह	पारडी	(50) कापरली	271	
		—जारी	271/पैकी	0-19-00
			270	0-07-50
			254/पैकी	0-42-00
			254	0-42-00
			257	0-19-70
			256	0-42-77
			खाडी	0-02-38
			कुल	08-92-67
बलसाह	पारडी	(51)		
		लवाछ	259	0-26-73
			258	0-44-55
			260/1,2	0-21-03
			256	0-49-06
			255	0-10-45
			261	0-37-07
			केमाल	0-04-50
			231	0-70-89
			229/1,2	0-30-89
			230/1	
			230/2/3/पैकी	0-14-26
			228	0-01-58
			227	0-21-38
			226	0-18-77
			225	0-02-61
			268	0-27-32
			291	0-03-56
			290	0-12-66
			289	0-50-29
			रोड	0-05-94
			298	0-15-08
			299/1,2,3	0-16-77
			297/पैकी	
			297/1/पैकी	
			297/2/पैकी	
			297/3	0-03-17
			304	0-19-44
			301/1,2,3	0-04-63
			303	0-38-02
			305	0-33-26
			308/1,2	
			308/3/2	
			308/3/5	0-10-93
			309	0-71-28
			दमणगंगा	
			नदी	0-19-01
			321	0-06-40
			316	0-17-80
			311	0-14-28
			315	0-41-58
			कुल	07-65-20

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बलसाड	पारडी	58 : नम्मी			बलसाड	पारडी	59 : कराया	81	0-61-77
		तंभाडी	337/6				—जारी	78	0-42-13
		—जारी	337/7/1					77	0-18-06
			337/7,8,9	0-35-64				79	0-18-22
		रोड		0-04-75				सरकार-जमीन	0-09-50
		368		0-23-76				62	0-01-00
		372/1अ						60	0-42-25
		372/1/ब						56	0-11-40
		372/1/क						59	0-38-02
		372/2						कार्ट्रेक	0-11-88
		372/3						44	0-01-98
		372/4						45	0-65-74
		372/5						40	0-54-65
		372/6						39	0-33-26
		372/7						रोवर	0-23-76
		372/8/पैकी						कुल	05-93-84
		372/8		0-68-90					
		371/1							
		371/1							
		371/2							
		371/3			बलसाड	पारडी	60 : खोरलाव	51	0-05-25
		371/4						50	
		371/5		0-13-31				50/पैकी	
		ड्रेन		0-04-75				50/पैकी	
		363/1						50/पैकी	0-23-76
		363/2/1						46	0-00-75
		363/2/2						44	0-01-78
		363/4/3						रोड	0-03-56
		363/3						43/2	
		363/5						43/2	
		363/6/1						43/1/ब	
		363/6/2						43/1/अ	
		363/7		0-11-88				43/1/A/पैकी	0-43-96
		362		0-16-63				42	
		34/पैकी						42/पैकी	0-11-88
		34/पैकी		0-43-21				41	
		33/पैकी						41/पैकी	0-11-88
		33/पैकी		0-16-06				40	
		35		0-12-00				40/पैकी	0-15-44
		37/1/पैकी						36	
		37/2						36/पैकी	
		37/1/पैकी		0-23-76				36/पैकी	
		कुल		08-98-30				36/पैकी	0-14-26
बलसाड	पारडी	59 : कराया	ड्रेन	0-09-50				35	
			91	0-07-60				35/पैकी	0-29-70
			90	0-31-60				27	0-03-56
			96	0-03-56				28	
			89	0-45-62				28/पैकी	
			97	0-03-09				28/पैकी	0-49-90
			88	0-05-70				कुल	02-15-68
			रोड	0-07-13					
			98	0-01-27	बलसाड	पारडी	64 : अंबाच	खाडी	0-06-00
			87	0-30-89				869/1/पैकी	
			86	0-14-26				869/1/पैकी	
			86/पैकी					869/2	
			86/पैकी					869/1	0-37-50
			86/पैकी					870/1/पैकी	
			86/पैकी						

1	2	3	4	5	1	2	3	4	5
बलसाङ	पारडी	64 : अंवाच जारी	870/2/पैकी 870/1/पैकी	0-15-00	बलसाङ	पारडी	64 : अंवाच —जारी	740/2/पैकी 740/3/पैकी	
			872/पैकी					740/3	
			872/पैकी					740/3/पैकी	
			872	0-59-40				740/3/पैकी	
			873	0-13-07				740/3/पैकी	
			879	0-24-00				740-3/पैकी	
			878	0-04-75				740/3/पैकी	
			*877/1,2, 3,4	0-33-00				740/3/पैकी	
			876/1,2 3,4	0-07-50				740/3/पैकी	0-09-35
			796/पैकी					741/पैकी	0-21-57
			796/पैकी					743/3	
			796/पैकी	0-00-50				743/1,2,4, 5,6	0-02-25
			795/1,2,3, 4,5,6, 7,8,9,10					742/5	
			795/8/पैकी	0-10-69				742/3/5वत्ता4/1	
			775/1					742/1/2वत्ता2/1	
			775/2					742/1/अ	
			775/3					742/1/ब	
			775/4	0-14-26				742/7/पैकी	
			776/1,2,3,4	0-32-08				742/1/1/अ	
			गवर्मेट - लेन्ड	0-15-44				742/3/2/अ	
			778/1					742/3/2/अ	
			778/2					742/3/2/ब	
			778/2/पैकी					742/3/4वत्ता4/2	
			778/2/पैकी					742/3/4वत्ता4/2	
			778/2					742/7/पैकी	
			778/3,4,					742/7/पैकी	
			778/5,6	0-21-00				742/6	0-82-92
			*772	0-04-00				744/1	
			779/पैकी					744/2/1	
			779/पैकी	0-20-89				744/3	
			रोड	0-04-50				744/4	
			770	0-30-00				744/5	
			769					744/6	0-09-50
			769/पैकी					749/2	
			769/पैकी					749/1	0-08-32
			769/पैकी					750/1-ब	
			769/पैकी					750/अ/पैकी	
			769/पैकी					750/1/अ	
			769/पैकी	0-51-00				750/2/ब	
			763/पैकी/1/2					750/2/अ	
			763/2/क					750/3/अ	
			763/2/ब					750/4	
			763/2/अ					750/4	
			763/4					750/5	
			763/3					750/11	
			763/2/ड	0-15-00				750/8,9	
			740/1					750/7	
			740/1/पैकी					750/12,13, 14,15,16,17, 18,19	
			740/1/पैकी					750/3/ब	
			740/1/पैकी					750/3/अ	
			740/1/पैकी					750/6	0-45-00
			*740/2					748/पैकी	
			740/2/पैकी					748/पैकी	0-04-49

1	2	3	4	5	1	2	3	4	5	
बलसाड	पारडी	64 : अबाध —जारी	714/1 714/2/1 714/2/2/ब 714/2/2/अ 567/पैकी 567/पैकी 567/पैकी 567/पैकी 566/3/ब 566/3/ब 566/2 566/1 568 571/3 571/2/2/ब 571/1/1/2/1 571/1 569 549/पैकी 549/3 549/2/अ 549/1/ 549/2/ब कारट्रेक 546/पैकी 546/पैकी 546/पैकी 546/पैकी 548/1 548/1/पैकी 548/2 548/2/पैकी 548/3/अ 548/3/ब 547/2 547/1/पैकी 547/1/पैकी कोलक-रीषर 513/1 513/2,3,4 513/3 514/1 514/2 कारट्रेक 513 528/1,2,4 527 529/1,2,3 530/पैकी 530/पैकी 510 510/2/1 510/2/2 कुल	0-52-50 0-45-00 0-16-45 0-04-15 0-02-87 0-55-50 0-11-40 0-06-00 0-09-74 0-09-00 0-38-02 0-13-50 0-19-48 0-09-00 0-21-38 0-14-26 0-11-62 0-23-76 0-40-39 0-22-62 11-09-88		बलसाड	उमरगाम	52 : कपीगाम	477 716 इशन 479 481 484 483 469 468 452 453 454 461 460 462 इशन कुल	0-72-00 0-10-50 0-09-75 0-13-50 0-31-50 0-66-00 0-03-00 0-40-50 0-03-90 0-41-10 0-22-50 0-34-50 0-46-50 0-18-60 0-03-60 0-06-00 04-48-95
बलसाड	पारडी	67 : सुखोस	257 रोड	0-21-00 0-04-50				192/अ, ब 182 10 7 4/पैकी 1/पैकी 47/1 47/2/पैकी 44/1 44/14/पैकी 44/1/6 46/1,2 46/2/पैकी 4/1 4/2/पैकी 4/3/4 57/1,2 144/1,2 115 167/1,2 168/1,2 125/1,2 194 126/पैकी 129/1,2 129/2/पैकी 170/1 170/1/पैकी 170/3 128 97 98/1/पैकी 98/2/पैकी 98/3/पैकी 98/3	01-18-21 0-26-14 0-11-88 01-06-92 0-48-71 0-32-08 0-24-99 0-02-13 0-29-40 01-32-95 0-53-97 0-26-11 0-07-92 0-34-45 0-32-07 0-16-63 0-09-84 0-22-17 0-01-78 0-01-78 01-04-54 0-08-13	

1	2	3	4	5
लसाड	उमरगाम	52 : कचीगाम —जारी	98/4/पैकी 95/1/पैकी 95/1 95/2 93/1/पैकी 93/2/पैकी	0-32-08   0-29-70  0-39-20
			कुल	09-53-78
बलसाड	उमरगाम	53 : ओकलास	147	0-09-50
			माला	0-04-50
			गवर्मेट-लेन्ड	0-43-00
			माला	0-01-50
			146	0-08-00
			गवर्मेट-लेन्ड	0-38-50
			142	0-10-50
			गवर्मेट-लेन्ड	0-21-00
			143	0-06-00
			गवर्मेट-लेन्ड	0-27-00
			160	0-10-00
			गवर्मेट-लेन्ड	0-20-50
			461	0-15-00
			गवर्मेट-लेन्ड	0-45-00
			194	0-16-50
			गवर्मेट-लेन्ड	0-55-00
			238	0-07-50
			237	0-02-85
			गवर्मेट-लेन्ड	0-09-50
			केनाल	0-07-50
			239	0-19-50
			303	0-57-00
			236	0-04-50
			209	0-61-50
			252	0-09-00
			253	0-31-00
			256	0-18-00
			257	0-19-50
			गवर्मेट-लेन्ड	0-18-90
			276	0-07-50
			गवर्मेट लेन्ड	0-66-00
			229	0-21-00
			गवर्मेट-लेन्ड	0-16-50
			268	0-01-50
			26	0-12-50
			270	0-07-50
			गवर्मेट-लेन्ड	0-53-50
			कुल	07-83-95

New Delhi, the 3rd June, 2002

S.O. 1963.—Whereas, it appears to the Central Government that it is necessary in the public interest that for the transportation of natural gas through Hazira-Uran Pipeline Project in Gujarat State, a pipeline should be laid by the Gas Authority of India Limited;

And whereas, it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid and which is described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipeline (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein.

Any person interested in the land described in the said Schedule may, within twenty-one days from the date on which the copies of this notification issued under sub-section (1) of section 3 of the said Act, as published in the Gazette of India are made available to the general public, object in writing to the laying of the pipeline under the land to the Competent Authority, Gas Authority of India Limited, Darpan Building, 1st Floor, R.C. Dutt Road, Alkapuri, Vadodara-390 005 (Gujarat).

## SCHEDULE

District	Tehsil	Village	Survey No./Block No	Land to be Acquired for R.O.U. in Hectares
1	2	3	4	5
Valsad	Valsad	(40) Vagaldhara	637	0-42-17
			636	0-01-39
			Khadi	0-06-34
			Road	0-07-12
			601	0-21-74
			600	0-02-53
			River	0-32-08
			365	0-43-74
			366	0-02-00
			372	0-03-56
			364	0-29-41
			371	0-02-00
			377	0-07-60
			363	0-13-78
			cart-track	0-02-97
			380	0-21-50
			379	0-02-50
			428	0-14-73
			381	0-08-55
			407	0-06-73
			383	0-24-95
			406	0-19-01
			390	0-23-88

[फा. सं. एल-14014/24/01-जी.पी.]

स्वामी सिंह, निदेशक



1	2	3	4	5	1	2	3	4	5
			404	0-00-59	Valsad	Valsad	(43) Tighara	120	0-15-44
			403	0-02-85				121	0-65-33
			391	0-22-44				38	0-97-42
			canal	0-07-12				37	0-08-02
			129	0-05-15				cart-track	0-16-63
			130	0-16-23				19	0-29-89
			128/P	0-28-51				20	0-20-00
			cart-track	0-03-56				22	0-36-43
			127	0-05-00				21	0-19-19
			121	0-25-89				30	0-43-71
			122	0-36-83				29	0-00-58
			124	0-21-38				256	01-00-29
			Total	05-15-83				255	0-02-37
Valsad	Valsad	(42) Gorgam	910	0-09-42				Road	0-16-99
			911	0-10-74				250	0-26-13
			912	0-59-78				253	0-45-14
			923	0-07-63				251	0-42-76
			919	0-19-58				252	01-35-93
			918	0-16-13				Total	07-22-25
			917	0-42-62	Valsad	Valsad	(44)		
			949	0-39-17			Fanaavada	395	0-01-34
			950	0-08-56				396	0-14-97
			951	0-14-98				cart-track	0-04-80
			952	0-11-85				408	0-02-03
			953	0-04-03				407	0-04-09
			954	0-09-22				405	0-02-06
			955	0-03-75				410	0-10-87
			Road	0-03-46				406	0-10-84
			883	0-30-19				Drain	0-19-90
			cart-track	0-02-30				442	0-20-99
			882	0-51-33				443	0-04-76
			881	0-34-92				445	0-02-09
			cart-track	0-04-61				444	0-24-92
			217	0-43-78				Drain	0-10-49
			215	0-30-00				449	0-34-00
			canal	0-02-30				451	0-24-00
			236	0-20-74				Drain	0-08-41
			237	0-25-34				449/P	0-00-95
			canal	0-03-46				459	0-37-77
			138	0-27-50				458	0-03-11
			247	0-04-00				462	0-11-25
			150	0-29-95				457	0-11-31
			151	0-26-50				Cart-track	0-02-32
			152	0-11-52				648	0-24-44
			cart track	0-05-76				Canal	0-17-15
			103	0-12-67				651	0-20-25
			116	0-19-50				653	0-34-87
			105	0-63-36				654	0-01-21
			119	0-00-50				652	0-06-49
			120	0-08-50				646	0-28-07
			121	0-69-12				Total	03-99-75
			123/P	0-05-50	Valsad	Valsad	(45)		
			canal	0-04-61			Kochvada	203	0-01-19
			Total	07-98-87				204	0-05-94

[illegible]

1	2	3	4	5	1	2	3	4	5
Valsad	Valsad	(55) Gadria	399	0-02-18	Valsad	Valsad	61 : Owada	446	0-78-42
		—Contd.	398	0-02-14			—Contd.	447	0-32-63
			397	0-02-98				449	0-58-83
			396	0-02-02				448	0-07-03
			401	0-01-02				450	0-01-08
			390	0-05-94				Khadi	0-09-08
			391	0-03-32				Total	04-43-04
			392	0-02-85					
			380	0-02-85	Valsad	Valsad	62 : Muli	489	0-01-44
			379	0-01-31				26	0-07-13
			381	0-04-75				27	0-04-73
			382	0-17-82				25	0-07-10
			383	0-22-49				22	0-03-36
			385	0-08-32				35	0-16-63
			673	0-40-39				34	0-03-36
			671	0-03-56				33	0-00-75
			675	0-28-51				40	0-06-10
		Road	0-04-75					41	0-17-67
		Total	06-06-55					44	0-01-87
								43	0-11-93
Valsad	Valsad	57 : Anjilav	446	0-72-36				49	0-01-79
			421	0-19-50				51	0-12-67
			423	0-06-00				Road	0-03-19
		Canal	0-18-53					51/P	0-12-00
			422	0-06-07				67	0-03-05
			426	0-36-87				68	0-28-51
			429	0-25-79				95	0-06-53
			431	0-01-50				93	0-00-10
			430	0-01-01				98	0-06-54
			414	0-21-27				96	0-03-51
			412	0-34-63				94	0-01-02
			413	0-02-07				97	0-06-73
		Cart-track	0-09-37					Cart-track	0-02-38
			410	0-06-40				148	0-01-11
			409	0-24-55				147	0-10-20
			408	0-47-58				145	0-03-05
			403	0-11-17				114	0-07-18
			406	0-07-03				115	0-09-58
			404	0-52-90				116	0-19-00
		Road	0-02-73					140	0-01-19
			236	0-20-65				118	0-13-07
			239	0-26-48				126	0-01-22
		Road	0-03-24					125	0-04-53
			245	0-03-56				120	0-04-77
			240	0-09-15				119	0-05-35
			242	0-01-89				124	0-01-05
			241	0-24-34				123	0-02-97
			232	0-01-48				Canal	0-06-51
			231	0-57-90				121	0-11-75
			230	0-18-45				122	0-04-08
		Total	05-74-47					Total	02-77-10
Valsad	Valsad	61 : Owada	378		Valsad	Valsad	63 :		
			378/P				Dhanori-III	275	0-18-00
			378/P	01-22-36				284	0-50-10
			327	0-72-47				287	0-11-85
			375	0-61-13				288/P	0-19-20

1	2	3	4	5
Valsad	Valsad	63 :		
		Dhanori-III	1132	0-13-95
		—Contd.	1133	0-09-38
		Road		0-13-96
			1152	0-08-13
			1153	0-05-48
			1149	0-14-55
			1148	0-05-00
			1151	0-14-85
			1145	0-08-07
			Total	07-63-76
Valsad	Valsad	65/66		
		Thakkarwada		
		Kanjanhari	River	0-29-70
			856	0-07-50
			855	0-17-25
			857	0-09-00
			854	0-24-30
			850	0-15-75
			849	0-38-25
			846	0-10-00
			847	0-19-00
			River	0-31-50
			839	0-49-50
			875	0-07-50
			876	0-21-00
			Cart-track	0-09-00
			838	0-16-50
			837	0-15-00
			834	0-72-00
			831	0-11-25
			832	0-04-50
			823	0-25-75
			819	0-01-25
			822	0-07-50
			820	0-15-00
			821	0-03-50
			816	0-13-11
			815	0-13-11
			809	0-03-98
			807	0-01-13
			808	0-02-02
			806	0-02-40
			805	0-03-00
			804	0-01-80
			799	0-02-40
			802	0-01-20
			801	0-03-00
			800	0-03-00
			782	0-02-22
			791	0-40-20
			792	0-03-60
			786	0-10-20
			785	0-12-68
			Canal	0-10-80
			746	0-33-00

1	2	3	4	5	1	2	3	4	5
Valsad	Valsad	65/66			Valsad	Pardi	(47)		
		Thakkarwada					Sondhalwad	River	0-69-00
		Kanjanhari	751	0-03-90				68/1,2,3	0-23-00
		—Contd.	750	0-02-40				67	0-02-00
			748	0-05-10				Drain	0-30-01
			749	0-05-10				63/1,2,3	0-09-01
			735	0-04-20				62/1,2,3,	
			737	0-02-10				4,5,6,7	0-45-00
			700	0-24-00				61/4,2,3,4	0-12-00
			696	0-19-20				660/A, B	0-54-00
			673	0-04-20				59/A, B	0-03-99
			674	0-01-80				57	0-06-51
			675	0-01-80				58/1, 2, 3	0-36-00
			676	0-01-80				Cart-track	0-07-51
			672	0-00-60				256/1, 2	0-07-51
			670	0-02-40				Drain	0-11-24
			678	0-04-80				313/1,2,3,4	0-61-78
			677	0-12-00				309/1,2,	0-38-99
		Road	356	0-04-80				307/2	
			357	0-06-10				307/1,2	
			358	0-02-38				307/1	0-27-99
			359	0-02-77				306/1,2	0-04-99
			Govt land	0-05-38				305/1,2	0-36-50
			353	0-03-20				304/1,2	0-15-99
			354	0-00-36				301/1,2,3	0-03-21
			352	0-05-94				288	0-00-19
			350	0-01-74				299	0-19-29
			393	0-06-09				298	0-13-50
			349	0-35-05				296/1,2	0-06-01
			404	0-03-56				297/1,2	0-27-75
			411	0-00-89				295/1,2,3	0-17-25
			410	0-11-88				291/1,2	
			409	0-01-38				291/3-A,B,C	
			408	0-04-75				291/4-5	
			407	0-11-88				291/6	0-23-19
			415	0-22-57				294	0-03-49
			316	0-02-06				Cart-track	0-14-26
			315	0-01-54				373	0-06-61
			313	0-06-00				378/1	0-06-30
			314	0-02-37				379	0-22-50
			309	0-02-37				380	0-85-46
			308	0-00-68				381/1,2	0-31-29
			310	0-13-66				382	0-00-19
			253	0-42-77				Total	07-89-52
			252	0-08-32				(48) Sonvada Khadi	0-21-38
			251	0-00-28				140/1,2	0-08-50
			250	0-02-02				141	0-19-00
			241	0-21-38				142	0-13-06
			240	0-17-82				163	0-35-04
			239	0-35-64				162	0-24-94
		Khadi	Total	0-09-50				144/1,2,3,	
								4,5,6,7,8	0-26-96
								159/1,2	0-00-79
								158	0-00-61
								145	0-21-71
								146/1	0-08-80
								147/1,2	0-17-22
								155/1,2,3	0-21-97
								150	0-43-75
								Canal	0-15-29
								151	0-06-52

1	2	3	4	5	1	2	3	4	5
Valsad	Pardi	(48) Sonvada	152	0-05-14	Valsad	Pardi	(49) Rohina	36	
		—Contd.	253/1,2,3,4	0-11-28			—Contd.	36/p	0-10-69
			254	0-20-19				582	0-08-98
			257/1,2,3	0-14-25				34/p	0-16-63
			258/1,2,3	0-07-12				35/p	0-56-91
			262/1,2,3	0-07-12				63	
			261	0-07-75				63/p	0-01-18
			267/1,2	0-10-09				64	0-18-91
			265/1,2	0-21-38				Road	0-02-97
			274/1,2,3	0-11-48				66	0-26-14
			275/1,2,3,					583	0-16-63
			4,5,6	0-10-69				65	0-43-85
			273/4,5,6	0-09-90				Khadi	0-14-15
			276	0-02-37				147/1/p	
			277	0-09-50				147/2	0-71-27
			278	0-11-88				Road	0-08-32
			279/1	0-19-00				138/p/1	
			Cart-track	0-00-02				138/p/3	
			389	0-09-70				138/p/4	
			388	0-06-33				138/p/5	
			390	0-01-58				138/p/6	0-27-32
			396/1,2	0-16-63				Road	0-08-43
			397/1,2	0-13-86				527	
			387	0-12-48				527/p	0-69-98
			387/P	0-12-48				523/p	0-53-35
			402	0-19-60				498	
			403	0-24-94				498/1/p	
			405/2-A	0-34-24				498/2/p	0-61-67
			406	0-40-60				522	
			407	0-33-26				522/1,2,3	
			414	0-38-60				4,5	0-04-11
			415	0-31-77				499	
			416/5-A	0-52-86				499/p	0-01-78
			463					500	
			462/P	0-40-39					0-03-86
			462/1	0-16-90				520/p/1,2	0-19-59
			462/2,3	0-10-69				501	0-12-35
			Khadi	0-20-63				519	
			461	0-02-40				519/p/1	0-01-90
			Total	09-04-64				518/p	
		(49) Rohina	Khadi	0-12-96				518/p,1,2,3	0-21-97
			47/P	0-56-32				515/1,2	0-23-76
			45	0-21-38				514/p/1,2,3	0-20-79
			44/P	0-24-94				503	0-03-01
			Canal	0-08-52				504	0-02-97
			43	0-06-48				512	0-08-11
			42	0-19-96				511	0-62-86
			38/1,2,3,					509	0-14-06
			4,5,6,7	0-04-45				510	0-17-82
			39/1/p					485	0-15-11
			39/1/1					484	0-16-03
			39/1/2					480	0-14-02
			39/1/9					481	0-16-63
			39/2/p					482	0-21-38
			39/2, 3	0-26-55				Total	10-79-29
			37	0-02-21				Total	10-79-29

1	2	3	4	5
Valsad	Pardi	(50) Koparli	271	
		Contd	271 p	0-19-00
			270	0-07-50
			254 p	0-42-00
			254	0-42-00
			257	0-19-70
			256	0-42-77
			Khadi	0-02-38
			Total	08-92-67
		(51)		
		Lawachha	259	0-26-73
			258	0-44-55
			260/1,2	0-21-03
			256	0-49-06
			255	0-10-45
			261	0-37-07
			Canal	0-04-50
			231	0-70-89
			229/1,2	0-30-89
			230/1	
			230/2/3/p	0-14-26
			228	0-01-58
			227	0-21-38
			226	0-18-77
			225	0-02-61
			268	0-27-32
			291	0-03-56
			290	0-12-66
			289	0-50-29
			Road	0-05-94
			298	0-15-08
			299/1,2,3	0-16-77
			297/p	
			297/1/p	
			297/2/p	
			297/3	0-03-17
			304	0-19-44
			301/1,2,3	0-04-63
			303	0-38-02
			305	0-33-26
			308/1,2	
			308/3/2	
			308/3/5	0-10-93
			309	0-71-28
			River	0-19-01
			321	0-06-40
			316	0-17-80
			311	0-14-28
			315	0-41-58
			Total	07-65-20
		54 : Bari	79/1	0-30-00
		Dumlao	79/2	
			78/1	
			78/2	0-57-50
			80	0-13-40
			Naher	0-29-25
			85	0-07-80
			7	0-06-00
			Total	01-41-95

1	2	3	4	5	1	2	3	4	5
Valsad	Pardi	58 Nani Trambadi	River	0-19-00	Valsad	Pardi	58 Nani Trambadi	Road	0-07-13
			263/1/p				Contd.	331/1,2,3	0-19-01
			263/1/p					332/1,2,3	
			263/2,3,					4,5,6,	
			4,5	0-63-20				332/7,	
			264/p					8,9,10,11,	
			264/p					12,13	0-17-82
			264/p					333/p	
			264/p					333/p	
			264/p	0-05-70				333/p	
			272	0-11-88				333/p	0-24-95
			269/1/1					334/1	
			269/1/2/p					334/2	
			269/1/3/p					334/3/1	
			269/1/4/p	0-30-88				334/3/2	0-07-13
			269/1/5/p					335/1,2,3,	
			269/2					335/4/1	
			269/3					335/4/2	
			269/4					335/4/3	
			269/5					335/4/4	
			270					335/4/5	
			270	0-27-56				335/4/6	0-12-33
			271	0-12-83				Drain	0-19-01
			248/1/p					338/1	
			248/2					338/2	
			248/1+2/p					338/3/1	
			248/1+2/p					338/3/2	0-14-97
			248/1+2/p	0-07-13				337/1	
			Road	0-04-75				337/2/1	
			247/p					337/2/2	
			247/p	0-35-64				337/2/3	
			244/1					337/3/1	
			244/2					337/3/2	
			244/3					337/3/2	
			244/4					337/3/3	
			244/5/1					337/3/3	
			244/5/2	0-24-56				337/4	
			276/1/p					337/5/2	
			276/1/p					337/5/1	
			276/1/p	0-11-08				337/6	
			276/1/3/p					337/7/1	
			276/1/3/p					337/7,8,9	0-35-64
			276/1/4/p					Road	0-04-75
			276/4/2					368	0-23-76
			276/4/3					372/1A	
			276/5					372/1/B	
			276/6					372/1/K	
			240/1/p					372/2	
			240/1/p					372/3	
			240/2					372/4	
			240/3	0-09-79				372/5	
			Road	0-09-50				372/6	
			315	0-23-76				372/7	
			318	0-28-51				372/8/p	
			317	0-30-89				372/8	0-68-90
			328	0-09-50				371/1	
			329/p					371/1	
			329/p					371/2	
			329/p					371/3	
			329					371/4	
			329	0-35-64				371/5	0-13-31
			330/p					Drain	0-04-75
			330/p	0-09-50					



1	2	3	4	5	1	2	3	4	5
Valsad	Pardi	58 : Nani Trambadi	363/1		Valsad	Pardi	60 : Kherlav Road		0-03-56
		—Contd.	363/2/1				—Contd.	43/2	
			363/2/2					43/2	
			363/4/3					43/1/B	
			363/3					43/1/A	
			363/5					43/1/A/p	0-43-96
			363/6/1					42	
			363/6/2					42/p	0-11-88
			363/7	0-11-88				41	
			362	0-16-63				41/p	0-11-88
			34/p					40	
			34/p	0-43-21				40/p	0-15-44
			33/p					36	
			33/p	0-16-06				36/p	
			35	0-12-00				36/p	
			37/1/p					36/p	0-14-26
			37/2					35	
			37/1/p	0-23-76				35/p	0-29-70
			Total	08-98-30				27	0-03-56
		59 : Karaya 'Drain		0-09-50				28	
		91		0-07-60				28/p	
		90		0-31-60				28/p	0-49-90
		96		0-03-56				Total	02-15-68
		89		0-45-62			64 : Ambach Khadi		0-06-00
		97		0-03-09				869/1/p	
		88		0-05-70				869/1/p	
		Road		0-07-13				869/2	
		98		0-01-27				869/1	0-37-50
		87		0-30-89				870/1/p	
		86		0-14-26				870/2/p	
		86/p						870/1/p	0-15-00
		86/p						872/p	
		86/p						872/p	
		86/p						872	0-59-40
		86/p						873	0-13-07
		81		0-61-77				879	0-24-00
		78		0-42-13				878	0-04-75
		77		0-18-06				877/1,2,	
		79		0-18-22				3,4	0-33-00
		Govt. land		0-09-50				876/1,2	
		62		0-01-00				3,4	0-07-50
		60		0-42-25				796/p	
		56		0-11-40				796/p	
		59		0-38-02				796/p	0-00-50
		Cart-track		0-11-88				795/1,2,3,	
		44		0-01-98				4,5,6,	
		45		0-65-74				7,8,9,10	
		40		0-54-65				795/8/p	0-10-69
		39		0-33-26				775/1	
		River		0-23-76				775/2	
		Total		05-93-84				775/3	
		60 : Kherlav	51	0-05-25				775/4	0-14-26
			50					776/1,2,3,4	0-32-08
			50/p					Govt. Land	0-15-44
			50/p					778/1	
			50/p	0-23-76				778/2	
			46	0-00-75				778/2/p	
			44	0-01-78				778/2/p	
								778/2	
								778/3,4,	
								5,6	0-21-00
								772	0-04-00

1	2	3	4	5	1	2	3	4	5
Valsad	Pardi	64	Ambach	779/p	Valsad	Pardi	64	Ambach	750/3/A
		Contd.		779/p			Contd.		750/4
			Road	0-20-89				750/4	
			770	0-04-50				750/5	
			769	0-30-00				750/11	
			769/p					750/8,9	
			769/p					750/7	
			769/p					750/12,13,	
			769/p					14,15,16,17,	
			769/p					18,19	
			769/p	0-51-00				750/3/B	
			763/p/1/2					750/3/A	
			763/2/K					750/6	0-45-00
			763/2/B					748/p	
			763/2/A					748/p	0-04-49
			763/4					714/1	
			763/3					714/2/1	
			763/2/D	0-15-01				714/2/2/B	
			740/1					714/2/2/A	0-52-50
			740/1/p					567/p	
			740/1/p					567/p	
			740/1/p					567/p	
			740/2					567/p	0-45-00
			720/2/p					566/3/B	
			740/2/P					566/3/B	
			740/3/P					566/2	
			740/3					566/1	0-16-45
			740/3P					568	0-04-15
			740/3/P					571/3	
			740-/3/P					571-2/2/B	
			740/3/P					571/1/1/2/1	
			740/3/P					571/1	0-02-87
			740/3/P					569	* 0-55-50
			740/3P					549/p	
			740/3/P	0-09-35				549/3	
			741/P	0-21-57				549/2/A	
			743/3					549/1	
			743/1,2,4,					549/2/B	0-11-40
			5,6	0-02-25				Cart-track	0-06-00
			742/5					546/p	
			742/3/5+4/1					546/p	
			742/1/2+2/1					546/p	
			742/1/A					546/p	0-09-74
			742/1/B					548/1	
			742/7/p					548/1/p	
			742/1/1/A					548/2	
			742/3/2/A					548/2/p	
			742/3/2/A					548/3/A	
			742/3/2/B					548/3/B	0-63-75
			742/3/4+4/2					547/2	
			742/3/4+4/2					547/1/p	
			742/7/p					547/1/p	0-09-00
			742/7/p					Kolak-rivor	0-38-02
			742/6	0-82-92				515/1	
			744/1					515/2,3,4	0-13-50
			744/2/1					514/1	
			744/3					514/2	0-19-48
			744/4					Cart-track	0-09-00
			744/5					513	0-21-38
			744/6	0-09-50				528/1,2,4	0-14-26
			749/2					527	0-11-62
			749/1	0-08-32				529/1,2,3	0-23-76
			750/1-B					530/p	

1	2	3	4	5
Valsad	Pardi	64 : Ambach —Contd.	510 510/2/1 510/2/2	0-22-62
		Total		11-09-88
Valsad	Pardi	67 : Sukhes	257	0-21-00
		Road		0-04-50
		477		0-72-00
		716		0-10-30
		Drain		0-09-75
		479		0-13-50
		481		0-31-50
		484		0-66-00
		483		0-03-00
		469		0-40-50
		468		0-03-90
		452		0-41-10
		453		0-22-50
		454		0-34-50
		461		0-46-50
		460		0-18-60
		462		0-03-60
		Drain		0-06-00
		Total		04-48-95
Valsad	Umargam	52 : Kachigam	192/A,B	01-18-21
			182	0-26-14
			10	0-11-88
			7	01-06-92
			4/p	0-48-71
			1/p	0-32-08
			47/1	
			47/2/p	0-24-99
			44/1	
			44/14/p	
			44/1/6	0-02-13
			46/1-2	
			46/2/p	0-29-40
			4/1	
			4/2/p	
			4/3/4	01-32-95
			57/1,2	0-53-97
			144/1,2	0-26-11
			115	0-07-92
			167/1,2	0-34-45
			168/1,2	0-32-07
			125/1,2	0-16-63
			194	0-09-84
			126/p	0-22-17
			129/1,2	
			129/2/p	0-01-78
			170/1	
			170/1/p	
			170/3	0-01-78
			128	01-04-54

1	2	3	4	5
Valsad	Umargam	52 : Kachigam	97	0-08-13
		—Contd.	98/1/p 98/2/p 98/3/p 98/3 98/4/p	
			95/1/p 95/1 95/2/p	0-32-08
			93/1/p 93/2/p	0-29-70
		Total		09-53-78
Valsad	Umargam	53 : Anklash	147	0-09-50
		Nala		0-04-50
		Govt. land		00-43-00
		Nala		0-01-50
		146		0-08-00
		Govt. land		0-38-50
		142		0-10-50
		Govt. land		0-21-00
		143		0-06-00
		Govt. land		0-27-00
		160		0-10-20
		Govt. land		0-20-50
		461		0-15-00
		Govt. land		0-45-00
		194		0-16-50
		Govt. land		0-55-00
		238		0-07-50
		237		0-02-85
		Govt. land		0-09-50
		Canal		0-07-50
		239		0-19-50
		303		0-57-00
		236		0-04-50
		209		0-61-50
		252		0-09-00
		253		0-31-00
		256		0-18-00
		257		0-19-50
		Govt. land		0-18-90
		276		0-07-50
		Govt. land		0-66-00
		229		0-21-00
		Govt. land		0-16-50
		268		0-01-50
		26		0-12-50
		270		0-07-50
		Govt. land		0-53-50
		Total		07-83-95

[File No. L-14014/24/01-G.P.]

SWAMI SINGH, Director

नई दिल्ली, 6 जून, 2002

का. आ. 1964.— केन्द्रीय सरकार ने पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50), (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 3 की उपधारा (1) के अधीन जारी की गई और भारत के राजपत्र तारीख 15 दिसम्बर, 2001 में प्रकाशित भारत सरकार के पेट्रोलियम और प्राकृतिक गैस मंत्रालय की अधिसूचना संख्या का०आ० 3387 तारीख 11 दिसम्बर 2001 द्वारा उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में मै० पेट्रोनेट एम एच बी लिमिटेड द्वारा कर्नाटक राज्य में मैंगलोर से बेंगलोर तक पेट्रोलियम उत्पादों के परिवहन के लिए पाइपलाइन बिछाने के प्रयोजन के लिए उपयोग के अधिकार का अर्जन करने के अपने आशय की घोषणा की थी;

और उक्त राजपत्र अधिसूचना की प्रतियां जनता को तारीख 08-01-2002 को उपलब्ध करा दी गई थी;

और सक्षम प्राधिकारी ने उक्त अधिनियम की धारा 6 की उपधारा (1) के अधीन केन्द्रीय सरकार को अपनी रिपोर्ट दे दी है;

और, केन्द्रीय सरकार ने, उक्त रिपोर्ट पर विचार करने के पश्चात् इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट भूमि में उपयोग का अधिकार अर्जित करने का विनिश्चय किया है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 6 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए यह घोषणा करती है कि इस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट उक्त भूमि में पाइपलाइन बिछाने के लिए उपयोग के अधिकार का अर्जन किया जाता है।

और केन्द्रीय सरकार, उस धारा की उपधारा (4) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निदेश देती है कि उक्त भूमि में उपयोग का अधिकार, इस घोषणा के प्रकाशन की तारीख से, केन्द्रीय सरकार में निहित होने की बजाए सभी विल्लंगमों से मुक्त, मैसर्स पेट्रोनेट एम एच बी लिमिटेड में निहित होगा।

## अनुसूची

राज्य : कर्नाटक

जिला : दक्षिण कन्नड

तालुक का नाम	ग्राम का नाम	सर्वे संख्या	भाग हिस्सा सं: यदि कोई हो	क्षेत्रफल एकड़ : सेंट
1	2	3	4	5
वेलतांगडि	धर्मस्थल	162	3	0-08

राज्य : कर्नाटक

जिला : चिकमंगलूर

तालुक का नाम	ग्राम का नाम	सर्वे संख्या	भाग हिस्सा सं: यदि कोई हो	क्षेत्रफल एकड़ : गुंटा
1	2	3	4	5
मुदिगेरे	बैदावल्ल	136	1	0-07
		136	3	0-10
		124		0-01
		191		0-02
	देववुंदा	249		0-10
		257		0-04
		79		0-02
	हिरेशिगेरे	80	2	0-04

राज्य : कर्नाटक

जिला : हासन

तालुक का नाम	ग्राम का नाम	सर्वे संख्या	भाग हिस्सा सं: यदि कोई हो	क्षेत्रफल एकड़ : गुंटा
1	2	3	4	5
बेलूर	बालदकल्लु	1		0-01
	गुग्गनहल्लि	75		0-01
	हिरिवाटे	53	4	0-01
		45		0-01
		44	3	0-04
		39		0-01

1	2	3	4	5
आलूर	कामाति	110	6	0-03
	ग्राम हाणा संस्था	83		0-09
	काठारावल्लि	117		0-02
		123	3	0-03
		121		0-06
		153		0-02
		155		0-01
		156		0-03
		14		0-01
	यलगनहल्लि	8	2	0-10
		24	1	0-05
		24	2	0-03
		24	3	0-09
		43		0-07
		45	3	0-01
		46	4	0-04
		52		0-02
	कनासुर	133	1	0-01
		133	3	0-02
		136	3	0-01
		69		0-05
		65	4	0-02
		9	6	0-01
	ग्राम हाणा संख्या	282		0-02
	ग्राम हाणा संख्या	283		0-12
	कोडमिहल्लि	42		0-03
		13	5	0-02
	कसबा आलूर	111	5	0-06
		111	7	0-04
		76	5	0-03
		76	6	0-04
		48		0-02
		92		0-10
		89		0-01
	हन्तानमने	18	1	0-02
		17	2	0-02
		33	3	0-01
		35	4	0-02
		36	2	0-02
	यङ्गूर	166	5	0-02
		163		0-04
		119	2	0-05
		70	1	0-01
	मावगूर	117	3	0-01
		118	2	0-01
		127	4	0-02
		127	5	0-01

1	2	3	4	5
हासन	तिम्मनहल्लि	2	3	0-02
		6	5A	0-01
	कंदलि	116		0-11
		115	2	0-02
		78	1	0-02
		78	4	0-04
		78	6	0-02
		78	8	0-02
	हलवागीलु	270	2	0-02
		52	1	0-03
	जोडितदेगेरे	17	5	0-02
	संकलापुरा	63	1	0-02
	भुवनहल्लि	44		0-15
	मैलहल्लि	162	2	0-03
		165	1	0-03
		181	1	0-01
		179	1	0-01
		179	2	0-01
		179	3	0-03
		182	2	0-01
		178	2	0-02
		178	3	0-02
		176	2	0-03
		2	1	0-02
		90		0-05
		91	2	0-03
		175	1	0-09
	हरणहल्लि	11		0-02
	हम्पनहल्लि	53	9	0-01
		12	2	0-03

[ फाइल सं. आर-31015/3/98 ओआर-II( भाग III ) ]

हरीश कुमार, अवर सचिव

New Delhi, the 6th June, 2002

**S.O. 1964.**—Whereas by a notification of the Government of India in the Ministry of Petroleum and Natural Gas number, S. O. 3387 dated the 11th December, 2001 issued under sub-section (1) of section 3 of the Petroleum and Minerals Pipelines(Acquisition of Right of User in Land) Act, 1962 (50 of 1962) (hereinafter referred to as the said Act), and published in the Gazette of India on the 15th December, 2001, the Central Government declared its intention to acquire the Right of User in the lands specified in the Schedule appended to that notification for the purpose of laying pipeline for the transport of petroleum products from Mangalore to Bangalore in the state of Karnataka, by M/s. Petronet MHB Limited;

And whereas, the copies of said Gazette notification were made available to the public on 08.01.2002;

And, whereas, the Competent Authority has under sub-section (1) of section 6 of the said Act, submitted report to the Central Government;

And, further, whereas the Central Government has, after considering the said report, decided to acquire the Right of User in the lands specified in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 6 of the said Act, the Central Government hereby declares that the Right of User in the said lands specified in the Schedule appended to this notification is hereby acquired for laying the pipeline.

And, therefore, in exercise of the powers conferred by sub-section(4) of that section, the Central Government directs that the right of user in the said lands shall instead of vesting in the Central Government, vest on this date of publication of this declaration, in the Petronet MHB Limited, free from all encumbrances.

## SCHEDULE

STATE : KARNATAKA

DISTRICT : DAKSHINA KANNADA

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (if any)	Extent Acre - Cents
1	2	3	4	5
BELTHANGADY	DHARMASHTALA	162	3	0-08

STATE : KARNATAKA

DISTRICT: CHIKMAGALUR

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (if any)	Extent Acre - Guntas
1	2	3	4	5
MUDIGERE	BYDAVALLI	136	1	0-07
		136	3	0-10
		124		0-01
	DEVAVRUNDA	191		0-02
		249		0-10
		257		0-04
	HIRESHIGERE	79		0-02
		80	2	0-04

STATE : KARNATAKA

DISTRICT : HASSAN

Name of Taluk	Name of Village	Survey No.	Part/ Hissa No. (if any)	Extent Acre - Guntas
1	2	3	4	5
BELUR	BALADAKALLU	1		0-01
	GUMMANAHALLI	75		0-01
	HIREVATE	53	4	0-01
		43		0-01
		44	3	0-04
		39		0-01
ALUR	KAMATHI	110	6	0-03
		Village site No.		0-09
	KAJARAVALLI	117		0-02
		123	3	0-03
		121		0-06
		153		0-02
		155		0-01
		156		0-03
		14		0-01
	YALAGANAHALLI	8	2	0-10
		24	1	0-05
		24	2	0-03
		24	3	0-09
		43		0-07
		45	3	0-01
		46	4	0-04
		52		0-02

1	2	3	4	5
IIAS SAN	KANATHUR	133	1	0-01
		133	3	0-02
		136	3	0-01
		69		0-05
		65	4	0-02
		9	6	0-01
	Village site No	282		0-02
	Village site No	283		0-12
	KODAGIHALLI	42		0-03
		13	5	0-02
	KASBA ALUR	111	5	0-06
		111	7	0-04
		76	5	0-03
		76	6	0-04
		48		0-02
		92		0-10
		89		0-01
	HANTHANAMANE	18	1	0-02
		17	2	0-02
		33	3	0-01
		35	4	0-02
		36	2	0-02
	YADUR	166	5	0-02
		163		0-04
		119	2	0-05
		70	1	0-01
	MAVANUR	117	3	0-01
		118	2	0-01
		127	4	0-02
		127	5	0-01
	THIMMANAHALLI	2	3	0-02
		6	5A	0-01
	KANDALI	116		0-11
		115	2	0-02
		78	1	0-02
		78	4	0-04
		78	6	0-02
		78	8	0-02
	HALAVAGILU	270	2	0-02
		52	1	0-03
	JODITHATTEKERE	17	5	0-02
	SANKALAPURA	63	1	0-02
	BUVANAHALLI	44		0-15
	MAILAHALLI	162	2	0-03
		165	1	0-03
		181	1	0-01
		179	1	0-01
		179	2	0-01
		179	3	0-03
		182	2	0-01
		178	2	0-02
		178	3	0-02
		176	2	0-03
		2	1	0-02
		90		0-05
		91	2	0-03
		175	1	0-09
	HARANAHALLI	11		0-02
	HAMPANAHALLI	53	9	0-01
		12	2	0-03



**श्रम मंत्रालय**

नई दिल्ली, 21 मई, 2002

का. आ.1965.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधांत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 228/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[ सं. एल-40012/108/99-आई. आर. ( डी. यू. ) ]

कुलदीप राय वर्मा, डेस्क अधिकारी

**MINISTRY OF LABOUR**

New Delhi, the 21st May, 2002

S. O.1965.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 228/2001) of the Central Government Industrial Tribunal / Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/108/99-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE**

BEFORE THE CENTRAL GOVT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30<sup>th</sup> April, 2002

Present; K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE No. 228/2001

(Tamil Nadu State Industrial Tribunal I.D.No.240/99)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri D. Kalyanasundaram and the management of the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

**BETWEEN**

Sri D. Kalyanasundaram : I Party/Workman

**AND**

I. The General Manager, : II Party/Management

Telecommunications,

Kancheepuram Dist.

Chennai.

**APPEARANCE.**

For the Workman : M/s.M. Gnanasekar, C.  
Premavathi & G. Manjula,  
Advocates

For the Management : Sri R. Kannappan Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L- 40012/108/99/IR(DU) dated 13.09.1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 240/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 228/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 08.02.2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01.04.2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following:-

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:-

"Whether the Demand of the workman Shri. D. Kalyanasundaram for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, he is entitled?"

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:-

The I Party/Workman Sh. D. Kalyanasundaram (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 14.12.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1401 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner

under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15.06.1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15.6.1995 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15.6.1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 14.12.1984 and his contention about continuous working with the Respondent/Department for a period of 1401 number of days of service and the alleged termination of the Petitioner from service on 15.06.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis as and when there was work. Since there was no work, he was not further engaged. Hence, the question of appointment, termination and continuous service does not arise. The work done by the petitioner was purely casual in nature and not perennial. The Respondent has

never informed the petitioner that the respondent/telecom department to take the petitioner back in service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :-

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the petitioner for any purpose and also not doing such type of work as done by the petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K. Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the zerox copy of the service certificates have been

marked as common Workmen exhibits. On the side of the Management the Zerox copy of the services certificate of WW1 filed before the conciliating authority earlier, and the Zerox copies of the original muster rolls which are mentioned in those Service certificates under Ex W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments

5 The Point for my consideration is ---

“Whether the Demand of the workman Shri. D. Kalyanasundaram for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, he is entitled? Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Zerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Zerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so

in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respon-

dent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex. M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that

Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent / Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-men-

tion of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as it is contended by the Respondent/Management. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30<sup>th</sup> April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined:—

##### For the I Party/Workmen:—

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management: -

M.W. 1 - Sh. P. Chandrasekar DE (Legal & Commercial)  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case.

#### Common Documents Marked:—

##### For the I Party/Workmen:—

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued

in favour of Petitioners.

##### For the II Party/Management:—

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M. R. No. 05850

M3 - Xerox copy of M. R. No. 05851

M4 - Xerox copy of M. R. No. 05850

M5 - Xerox copy of M. R. No. 07193

M6 - Xerox copy of M. R. No. 19/04693

M7 - Xerox copy of M. R. No. 18/04693

M8 - Xerox copy of M. R. No. 3/06114

M9 - Xerox copy of M. R. No. 3/06114

M10 - Xerox copy of M. R. No. 18/06114

M11 - Xerox copy of M. R. No. 6/06115

M12 - Xerox copy of M. R. No. 6/06115

M13 - Xerox copy of M. R. No. 18/06115

M14 - Xerox copy of M. R. No. 1/08511

M15 - Xerox copy of M. R. No. 19/07289

M16 - Xerox copy of M. R. No. 7/4427

M17 - Xerox copy of M. R. No. 4/4431

M18 - Xerox copy of M. R. No. 13/15 948

M19 - Xerox copy of M. R. No. 15/06117

M20 - Xerox copy of M. R. No. 21/06119

M21 - Xerox copy of M. R. No. 13/08512

M22 - Xerox copy of M. R. No. 23/08512

M23 - Xerox copy of M. R. No. 10/08513

M24 - Xerox copy of M. R. No. 11/08514

M25 - Xerox copy of M. R. No. 15/20861

M26 - Xerox copy of M. R. No. 18/20861

M27 - Xerox copy of M. R. No. 12/20862

M28 - Xerox copy of M. R. No. 11/20863

M29 - Xerox copy of M. R. No. 03/20867

M30 - Xerox copy of M. R. No. 02/20868

M31 - Xerox copy of M. R. No. 13/20863

M32 - Xerox copy of M. R. No. 12/20869

M33 - Xerox copy of M. R. No. 23/20869

M34 - Xerox copy of M. R. No. 20/04631

M35 - Xerox copy of M. R. No. 24/2

M36 - Xerox copy of M. R. No. 12/4

M37 - Xerox copy of M. R. No. 14/4

M38 - Xerox copy of M. R. No. 4/5

M39 - Xerox copy of M. R. No. 7/5

M40 - Xerox copy of M. R. No. 10/5

M41 - Xerox copy of M. R. No. 11/5

M42 - Xerox copy of M. R. No. 17/5

M43 - Xerox copy of M. R. No. 22/5

M44 - Xerox copy of M. R. No. 4/59

M45 - Xerox copy of M. R. No. 04978

M46 - Xerox copy of M. R. No. 8/06216

M47 - Xerox copy of M. R. No. 07188

M48 - Xerox copy of M. R. No. 7/4427

M49 - Xerox copy of M. R. No. 15/06117  
 M50 - Xerox copy of M. R. No. 9/06114  
 M51 - Xerox copy of M. R. No. 18/06114  
 M52 - Xerox copy of M. R. No. 6/06115  
 M53 - Xerox copy of M. R. No. 18/06115  
 M54 - Xerox copy of M. R. No. 1/08511  
 M55 - Xerox copy of M. R. No. 2/08511  
 M56 - Xerox copy of M. R. No. 22/0851  
 M57 - Xerox copy of M. R. No. 13/08512  
 M58 - Xerox copy of M. R. No. 23/08512  
 M59 - Xerox copy of M. R. No. 10/08513  
 M60 - Xerox copy of M. R. No. 15/20861  
 M61 - Xerox copy of M. R. No. 18/20861  
 M62 - Xerox copy of M. R. No. 12/20862  
 M63 - Xerox copy of M. R. No. 11/20863  
 M64 - Xerox copy of M. R. No. 19/20863  
 M65 - Xerox copy of M. R. No. 11/20864  
 M66 - Xerox copy of M. R. No. 09/20866  
 M67 - Xerox copy of M. R. No. 03/20867  
 M30 - Xerox copy of M. R. No. 14/20867  
 M30 - Xerox copy of M. R. No. 02/20868  
 M70 - Xerox copy of M. R. No. 12/20869  
 M71 - Xerox copy of M. R. No. 06/21253  
 M72 - Xerox copy of M. R. No. 13/27  
 M73 - Xerox copy of M. R. No. 19/29  
 M74 - Xerox copy of M. R. No. 4/29  
 M75 - Xerox copy of M. R. No. 20/29

नई दिल्ली, 21 मई, 2002

का.आ.1966.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कलकत्ता टेलिफोन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण कोलकत्ता के पंचाट (संदर्भ संख्या 34/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[मं. एल-40012/109/93-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1966.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.34/94) of the Central Government Industrial Tribunal / Labour Court Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Calcutta Telephones and their workman, which was received by the Central Government on 21-5-2002.

[No L-40012/109/93-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

# CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATTA

Reference No. 34 of 1994

PARTIES : Employers in relation to the management of  
Calcutta Telephones, Calcutta  
AND  
Their workman.

PRESENT :

Mr. Justice Bharat Prasad Sharma.....Presiding  
Officer

APPEARANCE :

On behalf of Mr. T. Chowdhury, Advocate.

Management :

On behalf of Mr. J.C. Consul, Advocate.

Workmen :

State: West Bengal. Industry: Telephones.

Dated: 3rd. May, 2002.

## A W A R D

By Order No L-40012/109/93/IR(DU) dated 30-09-1994 the Central Government in exercise of its powers under Section 10(1) (d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Calcutta Telephones in issuing the superannuation notice dated 7-12-90 to Shri Keshar Shaw, R/M Zamadar in 40/47 External Cable Calcutta Telephone w.e.f. 30-6-93 is proper, legal and justified? If not, to what relief the workman concerned is entitled?”

2. The present reference relates to the order of retirement of an employee, Keshar Shaw, R/M Zamadar of Calcutta Telephones with effect from 30-6-1993. The said order of the management has been challenged by the National Union of Telegraph Engineering Employees, Line Staff & Class-IV, Calcutta Telephone Circle on behalf of the workman concerned.

3 From the written statement filed on behalf of the union it appears that the aforesaid Shri Keshar Shaw was appointed as daily-rated mazdoor in 1956 by the management of Calcutta Telephones and thereafter he became a regular mazdoor on monthly-rate basis and was deputed to 47 Exchange of Calcutta Telephones. It is stated that at the time of his appointment in October, 1956 the workman gave his age as 18 years which was accepted by the Department and accordingly he was absorbed as a regular mazdoor by an order dated 18-11-1959 issued by the Assistant Engineer, Calcutta Telephones and was promoted to Category-B with effect from 01-12-1959. It is stated that when in 1959 he was absorbed as a regular mazdoor on monthly-rated basis, he appeared before the medical examination board and a certificate was granted to him by

which his age was assessed to be 21 years on 01-12-1959. Thus, his date of birth appeared to be in the year 1938. It is further stated that after a couple of weeks one Sukhari Shaw, uncle of the concerned workman, who was also working as a Lineman in the Calcutta Telephones, told the workman concerned that his actual date of birth was 2nd March, 1938 and he also agreed to sworn an affidavit in this regard. Accordingly, the workman obtained an affidavit from Sukhari Shaw and filed it before the then Assistant Engineer of Calcutta Telephones, Shri B. Mukherjee. It is also further stated that the date of birth of the concerned workman was accepted as 2nd March, 1938 by the Dept. and in Police verification also it was so. It is further stated that according to his date of birth in March, 1938, he was due to retiring March, 1998 on attaining the age of 60 years, but the General Manager of the Calcutta Telephones issued a letter dated 07-12-1990 asking the workman to submit his formal application for pension as he was to superannuate on 30-06-1993 on the basis of his date of birth at 1st July, 1933. Thereafter the workman in the last week of February, 1991 applied to the Sub-divisional Officer (phones), who was maintaining the personal file of the concerned workman, for grant of certificate about his date of birth as recorded in his personal file for filing a representation to the Chief General Manager and the certificate was accordingly granted to him showing his date of birth as 2nd March, 1938 on his basis of C. R. Dossier. The workman then submitted a representation to the Chief General Manager on 11-03-1993 praying for amendment of the notice dated 07-12-1990 issued by the General Manager because his date of birth was 2nd March, 1938. Then the Deputy Area Manager (Central) by his letter dated 8/9th April, 1991 informed the concerned workman that on verification of his service book it was found that his date of birth stood recorded as 01-07-1933, but the letter did not state anything about the date of birth noted in his C. R. Dossier or in the circular dated 13-11-1989 or the certificate granted to him by the Assistant Engineer. It was also not stated as to on what basis his date of birth was changed from 1938 to 1933. Therefore, the workman concerned referred the matter to the union and the union in its turn took up the matter with the Area Manager (Central), Calcutta Telephones and ultimately the matter was brought on the agenda of the bi-monthly meeting and it was discussed with the Area Manager (Central) on 10-07-1991. Accordingly, it was decided that the case will be pursued by the Assistant Engineer (Central). It is further stated that after about 3 months the Assistant Engineer (Central) by a letter dated 01-10-1991 inferred the concerned workman that the competent authority did not agree to alter the date of birth of the concerned workman and it stood as 01-07-1933 as recorded at the time of opening of the Service Book in 1960. It is stated that falsity of the claim is apparent from the fact in the medical examination report dated 05-12-1959 in which the age of the workman was shown to be about 21 years. The union, therefore,

raised an industrial dispute with the management by writing letter dated 28-10-1991 and the Chief General Manager requested to correct the date of birth as recorded in the service Book and to issue instruction for withdrawal of the retirement notice, issued in this regard. Thereafter the Deputy Area Manager (Central) by letter dated 13-01-1993 asked the workman concerned to submit documentary evidence showing his date of birth as 2nd March, 1938 for onward transmission to the Assistant Engineer. In reply to the said letter the workman concerned wrote to the Assistant Engineer, Staff (Central) on 20th January, 1993 that he had duly submitted the supporting document and that his C.R. records also show his date of birth as 2nd March, 1938. It is stated that since the affidavit submitted by the workman in December, 1959 sworn by Sukhari Shaw was destroyed by white ant, the concerned workman obtained an affidavit from his aunt Smt. Matukni Devi, who had nursed the mother of the concerned workman at the time of his birth, on 18-01-1993 and submitted the same to the Assistant Engineer (Central) by letter dated 20-01-1993 and also endorsed copy to the Assistant Engineer, Head Quarters, Deputy Area Manager (Central) and Deputy General Manager (A) which showed the date of birth of the workman as 2nd March, 1938. It is stated that inspite of all being done, the Assistant Engineer, Staff wrote a letter to the Area Manager (Central) on 04-03-1993 that the date of birth of the workman recorded in the first page of the Service Book, i.e., 01-07-1933 was allowed to stand and directed the concerned workman to be informed accordingly. According to the Union this order and information was illegal and accordingly a decision was taken by the union to pursue the matter and the dispute was raised before the Regional Labour Commissioner (Central). The meetings were also held for conciliation, but it could not materialise and accordingly a failure report was submitted and the present reference has been made.

4. A written statement has been filed on behalf of the management in which it has been stated that the present reference itself is not maintainable as it suffers from some defects. It is stated that the dispute in question falls within the jurisdiction of the Central Administrative Tribunal and, therefore, the reference in the present form is not maintainable. It is also stated that the present reference is not maintainable because the dispute in question does not fall within the purview of the matters relating to the dismissal discharge or retrenchment of the workman as enumerated in Section 2(s) and, therefore, it is unrelated to Section 2A of the Industrial Disputes Act, 1947. It is also stated that the workman had filled a writ petition before the Hon'ble High Court of Calcutta and had received two interim orders on 06-07-1993 and 21-09-1993 respectively. It is stated that in the order dated 06-07-1993 it is specifically stated that Annexures C and G of the writ petition regarding superannuation will abide by the result of the writ petition as well as the order dated 21-09-1993 and it was

also stated that the said writ petition was still not disposed of and was a pending before the Hon'ble High Court and, therefore, this matter could not have been agitated in this forum. However, 90 for as the merit of the claim of the Union is concerned, it has been stated that the concerned workman retired on superannuation with effect from 30-06-1993 as per the recorded date of birth in the Service Book. It is further stated that Shri Keshar Shaw the concerned workman was appointed as monthly-rated mazdoor Category-B in the scale of Rs. 30-Rs. 35/- per month with effect from 01-12-1959 wide order of the General Manager, Calcutta Telephones dated 18-11-1959 and was subsequently absorbed as regular Class-IV Mazdoor with effect from 26-02-1964. It is also further stated that the service Book of the workman concerned was prepared on 23-08-1960 and the entries made in it were within the knowledge of the workman and after those entries were made and included in the Service Book due authentication was made by the department and after the thumb impression of the workman was obtained in the Service Book which was duly verified. It is stated that the date of birth was recorded to be the year 1933 in accordance with the declaration made by the workman and it is also further stated that since no document, such as, school certificate or secondary examination certificate or extract from the birth register of the workman was produced by him, his declaration was treated as conclusive and the entry was deemed to be correct. It is further stated that inspite of full knowledge of the recorded age in the Service Book, the workman did not raise any dispute throughout his service career and the dispute was only raised before his retirement, which is not permissible as per note sheet of Financial Rule 56. It is further stated that the workman while he was absorbed as Mazdoor in regular Class-IV was served with a appointment letter dated 26-02-1964 in which his date of birth was recorded as 1933. It is also stated that the date of birth of the workman in the gradation lists of 1967 and 1983 was also shown as 01-07-1933, but the workman did not raise any objection either on receipt of the appointment letter or after issuance of the gradation lists of 1967 and 1983 and he preferred to remain silent till 1991, i.e., almost at the fag end of his career. It is further stated that so far as the representation for correction of date of birth at the fag end of his service career is concerned, it is well-settled principle of law that it is not permissible. It is also further stated that on such representation being made to the management by the workman, the management by their letters dated 25-06-1992, 20-10-1992 and 13-01-1993 sought clarifications and asked the workman to produce documents in support of his claim of date birth being 2nd March, 1938, but the workman failed to produce any such document and accordingly he was informed that on verification of Service Book it was found that his date of birth stood as 01-07-1933. It is further stated that after affording all opportunities to the workman to substantiate his stand to prove his claim regarding date of birth and on workman's failure to comply with the same,

the management in view of the entry in the Service Book conclusively accepted 1st. July, 1933 as the actual date of birth of the workman as per Rules 79 and 80 of the General financial rules. It is further stated that all the allegations made in the written statement of the union are denied and the union is put to strict proof of the allegations made. The allegations in the written statement of the union have also been parawise controverted and denied by the management.

5. So far as the evidence is concerned, it appears that in course of the evidence the workman concerned himself was examined on 05-07-1999 and he was also cross examined by the management and was discharged. Thereafter, on 09-08-1999 another witness Ramananda Saha was also examined, but his examination was not completed and concluded. It appears that after the depositions were recorded the then Presiding Officer retired and when the matter was taken up for further hearing, some adjournments were sought by the parties on one ground and other and ultimately when the matter was fixed for evidence, the Advocate of the Union appeared and no witness was produced and accordingly the case of the union was closed and the management was directed to produce its witness, but the management did not examine any witness and the case of the management was also closed. However, in course of cross-examination of WW-1, he was confronted with the entries in the Service Book and it was admitted into evidence as Ext. M-1. So far as WW-2 is concerned, because his evidence could not be concluded, it has been treated as expunged.

6. Some documents were filed on behalf of the union, but those have not been admitted into evidence as no such effort has been made by the Advocate for the union. No other document on behalf of the management has also been admitted into evidence, excepting Ext. M-1.

7. So far as the objection regarding the maintainability of the reference in view of the provisions of the Administrative Tribunals Act is concerned, it is true that the matters relating to the service of the public servants has to be considered by the Administrative Tribunals, but this is a case in which the union has sponsored the cause of a workman treating Calcutta Telephones as an industry which is being treated as an industry in several of the references relating to different kinds of industrial disputes. Therefore, when the matter relates to an industrial dispute between the workman and the employer it is covered within the purview of the jurisdiction of the Industrial Tribunal under the Industrial Disputes Act, 1947 and the reference on this account cannot be said to be not maintainable.

8. However, it has been pointed out and the relevant copies of the orders passed by the Hon'ble High Court of Calcutta have also been filed to show that a writ petition in this regard was filed by the workman in the matter in question and the said writ petition has been registered as Civil Order No. 8296 (W) of 1993. A prayer was made at one



stage on behalf of the management that because the matter was under consideration before the Hon'ble High Court in writ jurisdiction, the workman could not have been permitted to avail this forum so long the writ petition was pending and was not disposed of. In this regard, it appears that the Advocate for the union had at one point of time undertaken to withdraw the writ petition also to cross this hurdle, but no such order has been produced, nor any final order passed by the Hon'ble High Court was produced or shown. Therefore, it has to be treated that the matter is subjudice before the Hon'ble High Court. In this view of the matter, the present reference does not appear to be maintainable before this Tribunal, but because there was no stay order passed by the Hon'ble High Court, the hearing has proceeded as usual.

9. So far as the evidence is concerned, as it has already been stated above, there is no other evidence, either oral or documentary, available on record excepting for evidence of WW-1 the concerned workman himself and the Service Roll, Ext. M-1. It appears from the Service Roll, Ext. M-1 that when the Roll was prepared on 23-08-1960 the date of birth of the workman concerned was noted as 1st. July, 1933 and the thumb impression and finger prints as per rules were also taken from the workman concerned. It has been stated on behalf of the management that there is provision regarding declaration and entry of date of birth in the service record in the Fundamental Rules, Chapter-48, according to which any person newly appointed to a service or post in the Govt. shall declare the date of birth by the Christian era with as far as possible confirmatory documentary evidence, such as, matriculation certificate, municipal birth certificate and so on and if the exact date is not known, an approximate date shall be determined and it is also further laid down that actual date or the assumed date determined in the matter stated above, shall be recorded in the Service Book or in other records that may be kept in respect of the Government Servants' service. There is also provision for alteration of date of birth which is to be made on the request of the workman concerned, but it has to be within 5 years of the entry is made. It is, however, a general principle which is well-settled that no workman or public servant can be allowed to challenge the date of birth recorded in his service record at the fag end of his service. It has also been submitted on behalf of the management that the authenticity and correctness of the entries in the Service Book cannot be challenged also in view of the statement made by the workman himself as WW-1 in his cross-examination where he has stated that he joined Calcutta Telephones as casual labour in 1956 and in 1959 he became a permanent employee and he also further stated that a Service Book was prepared in 1960 and when he was confronted with the Service Book, he also stated that it was original

Service Book and it was marked Ext. M-1. The witness has also further stated that the thumb impression on the Service Book was his and he also further stated that whatever are written in the Service Book are all correct.

10. In this view of the matter, it has been submitted on behalf of the management that after a clear admission of the workman concerned that the Service Book was prepared in 1960 on which he has put his thumb impression and that the entries in the Service Book are correct, the union cannot be heard to say that there is mistake in the recording of the date of birth, so far as the concerned workman is concerned. It has been submitted on behalf of the management that there is no material to show that the workman at any point of time earlier to 1991 had filed any representation to the management to the effect that there has been mistake in his date of birth which should be corrected and changed and he also did not file any proof in support of his actual date of birth, such as matriculation certificate or even a school leaving certificate or a horoscope or birth certificate or extract of the Birth register. It is, therefore, submitted that as per rules and practice followed whenever a workman joins, he has to declare his date of birth or approximate age and he is also required to produce document in support of his claim and if no such document is produced, his declaration is accepted and the date of birth declared by him is treated as correct. It is submitted that according to this very process the entry regarding the date of birth of the workman was made in the Service Roll and the workman when he filed the representation did not produce any authentic document in support of his claim that his date of birth was in the year 1938 and not in the year 1933 as recorded in the Service Book.

11. It is obvious that only after he received the notice regarding his superannuation in 1993, the workman started making hectic efforts to get his date of birth changed for the purpose of obtaining an extended period of service for a little less than 5 years. Such an efforts does not appear to be bonafide and genuine. The date of birth of the workman cannot be changed in this manner at this stage as has been consistently held by the higher courts including the apex court of the country. The matter, therefore does not require any further considerations workman concerned does not appear to be entitled to any kind of relief sought for by him.

12. The reference is accordingly decided and disposed of.

B. P. SHARMA, Presiding Officer

Dated, Kolkata,

The 3rd May, 2002

नई दिल्ली, 21 मई, 2002

का. आ. 1967.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 212/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/112/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1967.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.212/2001) of the Central Government Industrial Tribunal / Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/112/99-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,  
CHENNAI

Tuesday, the 30th April, 2002

PRESENT :

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE No. 212/2001

(Tamil Nadu State Industrial Tribunal I.D.No. 212/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri M. Munuswamy and the management of the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

BETWEEN

Shri M. Munuswamy : I Party/Workman

AND

1. The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Distt.,  
Chennai.

APPEARANCE :

For the Workman : M/s. M.Gnanasekar, C.  
Premavathi &  
G. Manjula, Advocates

For the Management : Shri R. Kannappan Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/112/99/IR (DU) dated 26-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 212/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 212/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 07.02.2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01.04.2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Sh. M. Munuswamy, casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sh. M. Munuswamy (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 1.12.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1164 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The

I Party/Workman has been denied employment w.e.f. 25.06.1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25.6.95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25.6.1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 1.12.1984 and his contention about continuous working with the Respondent/Department for a period of 1164 number of days of service and the alleged termination of the Petitioner from service on 25.06.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis during 1995 for a period of 229 days only. The department used to engage the Petitioner as and when there was work. Since there was no work, he was not further engaged. Hence, the question of appointment, termination and continuous service does not arise. The work done by the petitioner was purely casual in nature and not

perennial. The Respondent has never informed the petitioner that the respondent/telecom department to take the petitioner back in service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in LD.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Manage-

ment the xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the Services of Sh. M. Munuswamy, casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

Point : —

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 Series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they meet the Telecom people, who were doing the work of the department near their house, Requested those permanent employees' the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and the/have not mentioned so in their earlier Claim State-

ments filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom

Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that Service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who

have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their

Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as it is contended by the Respondent/Management. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6 In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### **Common Witnesses Examined:**

##### **For the I Party/Workmen:**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### **For the II Party/Management: -**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case

#### **Common Documents Marked:-**

##### **For the I Party/Workmen:-**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 — Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### **For the II Party/Management:—**

M1 — Xerox copy of the service certificate issued in favour of Petitioners.

M2 — Xerox copy of M.R. No. 05850

M3 — Xerox copy of M.R. No. 05851

M4 — Xerox copy of M.R. No. 07188

M5 — Xerox copy of M.R. No. 07193

M6 — Xerox copy of M.R. No. 19/04693

M7 — Xerox copy of M.R. No. 18/04693

M8 — Xerox copy of M.R. No. 3/06114

M9 — Xerox copy of M.R. No. 9/06114

M10 — Xerox copy of M.R. No. 18/06114

M11 — Xerox copy of M.R. No. 6/06115

M12 — Xerox copy of M.R. No. 5/06115

M13 — Xerox copy of M.R. No. 18/06115

M14 — Xerox copy of M.R. No. 1/08511

M15 — Xerox copy of M.R. No. 19/07289

M16 — Xerox copy of M.R. No. 7/4427

M17 — Xerox copy of M.R. No. 4/4431

M18 — Xerox copy of M.R. No. 13/15 948

M19 — Xerox copy of M.R. No. 15/06117

M20 — Xerox copy of M.R. No. 21/06119

M21 — Xerox copy of M.R. No. 13/08512

M22 — Xerox copy of M.R. No. 23/08512

M23 — Xerox copy of M.R. No. 10/08513

M24 — Xerox copy of M.R. No. 11/08514

M25 — Xerox copy of M.R. No. 15/20861

M26 — Xerox copy of M.R. No. 18/20861

M27 — Xerox copy of M.R. No. 12/20862

M28 — Xerox copy of M.R. No. 11/20863

M29 — Xerox copy of M.R. No. 03/20867

M30 — Xerox copy of M.R. No. 02/20868

M31 — Xerox copy of M.R. No. 13/20863

M32 — Xerox copy of M.R. No. 12/20869

M33 — Xerox copy of M.R. No. 23/20869

M34 — Xerox copy of M.R. No. 20/04631

M35 — Xerox copy of M.R. No. 24/2

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 M74 — Xerox copy of M.R. No. 4/29  
 M75 — Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का.आ.1968.— औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार के प्रबंधन के संबंध में निर्योजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चैन्सई के पंचाट (संदर्भ संख्या 218/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/113/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S. O. 1968.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 218/2001 of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/113/99-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT : K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE No. 228/2001 (Tamil Nadu State Industrial Tribunal I.D.No.218/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri A. Ram Mohan and the management of the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

### BETWEEN

Sri A. Ram Mohan : I Party/Workman

### AND

1. The General Manager, : II Party/Management  
 Telecommunications,  
 Kancheepuram Dist, Chennai.

### APPEARANCE:—

For the Workman : M/s.M.Gnanasekar, C.  
 Premavathi and  
 G.Manjula, Advocates

For the Management : Sri R.Kanniappan Addl.  
 CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/113/99/IR(DU) dated 26-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 218/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 218/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 07-02-2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the

arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following:—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:-

“Whether the Demand of the Workman Shri. A. Ram Mohan for reinstatement by the General Manager, Telecommunications, Chengalpattu, as casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows: -

The I Party/Workman Sh. A. Ram Mohan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 15-10-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 553 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 26-05-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensa-

tion is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 26-5-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 26-5-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 15-10-1984 and his contention about continuous working with the Respondent/Department for a period of 553 number of days of service and the alleged termination of the Petitioner from service on 26-05-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis during 1995 for a period of 152 days only. The department used to engage the Petitioner as and when there was work. Since there was no work, he was not further engaged. Hence, the question of appointment, termination and continuous service does not arise. The work done by the petitioner was purely casual in nature and not perennial. The Respondent has never informed the petitioner that the respondent/telecom department to take the petitioner back in service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are: -

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation



etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I. D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No. 156/2001, and Shri K.Mohan, Petitioner in I. D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I. D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is:—

“Whether the demand of the workman Shri. A. Ram Mohan for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

Point : —

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex.M1,

M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees' the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they meet and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates, and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the

**Respondent/Management.** According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that Service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984

to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the

materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned

officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as it is contended by the Respondent/Management. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

Common Witnesses Examined :

For the I Party/Workmen:—

W.W.1—Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2—Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management : —**

M. W. 1— Sh. P. Chandrasekar D E [Legal & Commercial]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case

**Common Documents Marked :****For the I Party/Workmen:—**

W 1 Series(7)—Original service certificates issued in  
favour of Petitioners.

W 2—Original Service Note Book.

W 3 Series (7) - Xerox copy of the service certificates  
issued in favour of Petitioners.

**For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in  
favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No. 6/06115

M12 - Xerox copy of M.R. No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

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M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No. 06/21253

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M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

For the Management

: Sri R. Kannappan  
Addl. CGSC

क्रा. आ. 1969.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 186/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/119/99-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1969 —In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 186/2001) of the Central Government Industrial Tribunal, Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-05-2002.

[No. L-40012/119/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE No. 186/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 206/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri O. Vinayagam and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai.

## BETWEEN

Shri O. Vinayagam : I Party/Workman

## AND

The General Manager,  
Telecommunications,  
Kancheepuram Dist, Chennai

## APPEARANCE :

For the Workman : M/s.M.Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

The Govt of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of Industrial Disputes Act 1947 (14 of 1947) have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/119/99/IR(DU) dated 25-8-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D. No. 206/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 186/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 6-2-2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 1-4-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

## AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri O. Vinayagam, casual mazdoor is legal and justified? If not, to what relief he is entitled?”

2 The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri O. Vinayagam (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 1-3-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 2016 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman

has been denied employment w.e.f. 13-5-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 13-5-1995 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 13-5-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 1-3-1985 and his contention about continuous working with the Respondent/Department for a period of 2016 number of days of service and the alleged termination of the Petitioner from service on 13-5-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis during 1995 for a period of 109 days only. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not

arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 1-10-1989;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umamathy, Petitioner in I.D. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001 has been treated as a common evidence for this case and other similar connected cases. On the side of the

Petitioner, the zerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Zerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri O. Vinayagam, casual mazdoor is legal and justified? If not, to what relief he is entitled?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel one, other side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates. If WW1 and WW2 respectively have been marked. On the side of the management the xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telcom people, who were doing the work of the department near their house, requested those permanent employees of Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in

the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in the service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management

for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the Department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence through Ex.M2 to M75 original muster rolls marked in the cross examination of WW1 and WW2, and through the common evidence of MW1, it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates, that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this, it is seen that the contention of the Petitioner in the Claim Statement that the work will be

available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen, as contended by the learned counsel for the Respondent/Management in the argument that the particulars given in the service certificates produced by the Petitioners are not true particulars, but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common



witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them, as it is contended by the Respondent/Management. From the available materials, it is seen that the Respondent/Management, in regular course, did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days, preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined :—

##### For the I Party/Workmen :—

- W.W.1 — Sh. K. Umapathy  
(Petitioners in I.D. 156/2001)
- W.W.2 — Sh. K. Mohan  
(Petitioners in I.D. 262/2001)

##### For the II Party/Management :—

- M.W. 1 — Sh. P. Chandrasekar [DE (Legal & Commercial)] Examined in I.D. No. 11/2001 and has taken as common evidence in this case.

##### Common Documents Marked :—

##### For the I Party/Workmen :—

- W1 Series (7) — Original service certificates issued in favour of Petitioners.
- W2 — Original Service Note Book.
- W3 Series (7) — Xerox copy of the service certificates issued in favour of Petitioners.

##### For the II Party/Management :—

- M1 — Xerox copy of the service certificates issued in favour of Petitioners.
- M2 — Xerox Copy of M.R. No. 05850
- M3 — Xerox Copy of M.R. No. 05851
- M4 — Xerox Copy of M.R. No. 07188
- M5 — Xerox Copy of M.R. No. 07193
- M6 — Xerox Copy of M.R. No. 19/04693
- M7 — Xerox Copy of M.R. No. 18/04693
- M8 — Xerox Copy of M.R. No. 3/06114
- M9 — Xerox Copy of M.R. No. 9/06114
- M10 — Xerox Copy of M.R. No. 18/06114
- M11 — Xerox Copy of M.R. No. 6/06115
- M12 — Xerox Copy of M.R. No. 5/06115
- M13 — Xerox Copy of M.R. No. 18/06115
- M14 — Xerox Copy of M.R. No. 1/08511
- M15 — Xerox Copy of M.R. No. 19/07289
- M16 — Xerox Copy of M.R. No. 7/4427
- M17 — Xerox Copy of M.R. No. 4/4431
- M18 — Xerox Copy of M.R. No. 13/15948
- M19 — Xerox Copy of M.R. No. 15/06117
- M20 — Xerox Copy of M.R. No. 21/06119
- M21 — Xerox Copy of M.R. No. 13/08512
- M22 — Xerox Copy of M.R. No. 23/08512
- M23 — Xerox Copy of M.R. No. 10/08513
- M24 — Xerox Copy of M.R. No. 11/08514
- M25 — Xerox Copy of M.R. No. 15/20861
- M26 — Xerox Copy of M.R. No. 18/20861
- M27 — Xerox Copy of M.R. No. 12/20862
- M28 — Xerox Copy of M.R. No. 11/20863
- M29 — Xerox Copy of M.R. No. 03/20867

M30 —Xerox Copy of M.R. No. 02/20868  
 M31 —Xerox Copy of M.R. No. 13/20863  
 M32 —Xerox Copy of M.R. No. 12/20869  
 M33 —Xerox Copy of M.R. No. 23/20869  
 M34 —Xerox Copy of M.R. No. 20/04631  
 M35 —Xerox Copy of M.R. No. 24/2  
 M36 —Xerox Copy of M.R. No. 12/4  
 M37 —Xerox Copy of M.R. No. 14/4  
 M38 —Xerox Copy of M.R. No. 4/5  
 M39 —Xerox Copy of M.R. No. 7/5  
 M40 —Xerox Copy of M.R. No. 10/5  
 M41 —Xerox Copy of M.R. No. 11/5  
 M42 —Xerox Copy of M.R. No. 17/5  
 M43 —Xerox Copy of M.R. No. 22/5  
 M44 —Xerox Copy of M.R. No. 4/59  
 M45 —Xerox Copy of M.R. No. 04978  
 M46 —Xerox Copy of M.R. No. 8/06216  
 M47 —Xerox Copy of M.R. No. 07188  
 M48 —Xerox Copy of M.R. No. 7/4427  
 M49 —Xerox Copy of M.R. No. 15/06117  
 M50 —Xerox Copy of M.R. No. 9/06114  
 M51 —Xerox Copy of M.R. No. 18/06114  
 M52 —Xerox Copy of M.R. No. 6/06115  
 M53 —Xerox Copy of M.R. No. 18/06115  
 M54 —Xerox Copy of M.R. No. 1/08511  
 M55 —Xerox Copy of M.R. No. 2/08511  
 M56 —Xerox Copy of M.R. No. 22/08511  
 M57 —Xerox Copy of M.R. No. 13/08512  
 M58 —Xerox Copy of M.R. No. 23/08512  
 M59 —Xerox Copy of M.R. No. 10/08513  
 M60 —Xerox Copy of M.R. No. 15/20861  
 M61 —Xerox Copy of M.R. No. 18/20861  
 M62 —Xerox Copy of M.R. No. 12/20862  
 M63 —Xerox Copy of M.R. No. 11/20863  
 M64 —Xerox Copy of M.R. No. 19/20863  
 M65 —Xerox Copy of M.R. No. 11/20864  
 M66 —Xerox Copy of M.R. No. 09/20866  
 M67 —Xerox Copy of M.R. No. 03/20867  
 M68 —Xerox Copy of M.R. No. 14/20867  
 M69 —Xerox Copy of M.R. No. 02/20868  
 M70 —Xerox Copy of M.R. No. 12/20869  
 M71 —Xerox Copy of M.R. No. 06/21253

M72 —Xerox Copy of M.R. No. 13/27  
 M73 —Xerox Copy of M.R. No. 19/29  
 M74 —Xerox Copy of M.R. No. 4/29  
 M75 —Xerox Copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का.आ.1970.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 185/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/120/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1970.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 185/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workmen, which was received by the Central Government on 21-5-2002.

[No. L. 40012/120/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 185/2001

(Tamil Nadu State Industrial Tribunal I D No. 205/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri T. Loganathan and the management of the General Manager, Telecommunications, Kancheepuram, Dist. Chennai.)

BETWEEN

Shri T. Loganathan

: I Party/Workman

AND  
The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist, Chennai

**APPEARANCE :**

For the Workman : M/s.M.Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/120/99/IR(DU) dated 25-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D. No. 205/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 185/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri T. Loganathan, casual mazdoor is legal and justified? If not, to what relief he is entitled?”

2 The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri T. Loganathan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter

refers to as Respondent) on 01-03-1983 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1155 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-6-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3 The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the

Claim Statement about his appointment as Casual Labour on 01-03-1983 and his contention about continuous working with the Respondent/Department for a period of 1155 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis during 1995 for a period of 110 days only. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are:—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the

workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umamathy, Petitioner in I.D. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001 has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the Xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri T. Loganathan, casual mazdoor is legal and justified? If not, to what relief he is entitled?"

Point:—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the management the xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the xerox copies of the original muster rolls which are mentioned in those service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective terminating from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about

their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross-examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross-examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross-examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1983 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in the service by the Respondent/Management

from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim-Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent/Department has terminated them from service. There is no appointment order as well as the termination order 'passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the Department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence through Ex.M2 to M75 original muster rolls marked in the cross-examination of WW1 and WW2, and through the common evidence of MW1, it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross-examination, when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates, that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross-examination of common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross-examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service

certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workman for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this, it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management, by production of original muster rolls which have been referred to in service certificates of the Petitioners, that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen, as contended by the learned counsel for the Respondent/Management in his argument, that the particulars given in the service certificates produced by the Petitioners are not true particulars, but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work,

these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as W1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them, as it is contended by the Respondent/Management. From the available materials, it is seen that the Respondent/Management, in regular course, did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days, preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No. Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined :—**

**For the I Party/Workmen :—**

W.W. 1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W. 2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management :—**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case.

**Common Documents Marked:—**

**For the I Party/Workmen:—**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No. 6/06115

M12 - Xerox copy of M.R. No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R. No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No. 23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862  
 M63 - Xerox copy of M.R. No. 11/20863  
 M64 - Xerox copy of M.R. No. 19/20863  
 M65 - Xerox copy of M.R. No. 11/20864  
 M66 - Xerox copy of M.R. No. 09/20866  
 M67 - Xerox copy of M.R. No. 03/20867  
 M68 - Xerox copy of M.R. No. 14/20867  
 M69 - Xerox copy of M.R. No. 02/20868  
 M70 - Xerox copy of M.R. No. 12/20869  
 M71 - Xerox copy of M.R. No. 06/21253  
 M72 - Xerox copy of M.R. No. 13/27  
 M73 - Xerox copy of M.R. No. 19/29  
 M74 - Xerox copy of M.R. No. 4/29  
 M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का. आ.1971.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 182/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/123/99-आई. आर. (डी. यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S. O.1971.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 182/2001 of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom. Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/123/99-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT,  
 CHENNAI

Tuesday, the 30th April, 2002

PRESENT : K. Karthikeyan,  
 Presiding Officer

INDUSTRIAL DISPUTE NO. 182/2001  
 (Tamil Nadu State Industrial Tribunal I.D. No. 199/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Dispute Act, 1947 (14 of 1947), between the Workman Sri P. Balasubramaniam and the management of the Telecommunications Department.)

BETWEEN

Sri P. Balasubramaniam : I Party/Workman

AND

1. The Chief General Manager, : II Party/Management  
 Tamil Nadu Circle,  
 Chennai.
2. The General Manager,  
 Telecommunications,  
 Kancheepuram Distt.  
 Chennai.
3. The Divisional Engineer (Admin.)  
 O/o. General Manager,  
 Telecommunications,  
 Kancheepuram Dist,  
 Chennai.
4. The Sub Divisional Engineer (Electricals),  
 Telecommunications,  
 Chennai.

#### Appearance :

For the Workman : M/s.M.Gnanasekar,  
 C. Premavathi &  
 G. Manjula,  
 Advocates

For the Management : Sri R. Kannappan  
 Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/123/99/IR(DU) dated 25-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D. No. 199/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 182/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 06-02-2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement,



Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side, as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the management of Telecom in terminating the services of Sri P. Balasubramaniam as casual mazdoor is legal and justified? If not, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri P. Balasubramaniam (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1129 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-6-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in

violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis. The department used to engage persons like the Petitioner when there was work. Since there was no work he was not further engaged. Hence the question of appointment, termination and continuous service does not arise. The work done by the Petitioner was purely casual in nature and not perennial. The Respondent has never informed the Petitioner that the Respondent/Telecom Department would take the Petitioner back to service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual Labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification, the service particulars submitted by the Petitioner were found to be bogus and manufactured one. So, the department did not consider the claim of the Petitioner. The Petitioner had submitted false service particulars, with a view to getting employment and other

benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. The petitioner was not further engaged since there was no work. As a matter of policy, if any seasonal work arose, the Department will call for tender and the work contract will be handed over to contractor. Hence the Department is not engaging any casual Mazdoor. As on date there is no casual mazdoor in the Department. Though the alleged termination was in the year 1995, the petitioner has raised the dispute only now. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4 When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001 has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5 The Point for my consideration is—

“Whether the action of the management of Telecommunications in terminating the services of Shri P. Balasubramanian as casual mazdoor is legal and justified? If not, to what relief he is entitled?”

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been

conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the management the xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telcom people, who were doing the work of the department near their house, requested those permanent employees of Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service

certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in the service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. Further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the Department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service

certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence through Ex.M2 to M75 original muster rolls marked in the cross examination of WW1 and WW2, and through the common evidence of MW1, it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination, when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates, that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion was put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the department work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular department workman for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this, it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management, by production of original muster rolls which have been referred to in service certificates of the Petitioners, that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the Respondent. From this, it is seen,

as contended by the learned counsel for the Respondent/Management in the argument, that the particulars given in the service certificates produced by the Petitioners are not true particulars, but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them, as it is contended by the Respondent/Management. From the available materials, it is seen that the Respondent/Management, in regular course, did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947

and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days, preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No. Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me to the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding officer

#### Common Witnesses Examined :—

##### For the I Party/Workmen :—

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management :—

M.W. 1 - Sh. P. Chandrasekar [(DE(Legal & Commercial))  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case.

#### Common Documents Marked:—

##### For the I Party/Workmen:—

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W 2 - Original Service Note Book.

W 3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### For the II Party/Management :—

M1 - Xerox copy of the service certificate issued in favour of Petitioners,

M 2 - Xerox copy of M.R. No. 05850

M 3 - Xerox copy of M.R. No. 05851

M 4 - Xerox copy of M.R. No. 07188	M 40 - Xerox copy of M.R. No. 10/5
M 5 - Xerox copy of M.R. No. 07193	M 41 - Xerox copy of M.R. No. 11/5
M 6 - Xerox copy of M.R. No. 19/04693	M 42 - Xerox copy of M.R. No. 17/5
M 7 - Xerox copy of M.R. No. 18/04693	M 43 - Xerox copy of M.R. No. 22/5
M 8 - Xerox copy of M.R. No. 3/06114	M 44 - Xerox copy of M.R. No. 4/59
M 9 - Xerox copy of M.R. No. 9/06114	M 45 - Xerox copy of M.R. No. 04978
M 10 - Xerox copy of M.R. No. 18/06114	M 46 - Xerox copy of M.R. No. 8/06216
M 11 - Xerox copy of M.R. No. 6/06115	M 47 - Xerox copy of M.R. No. 07188
M 12 - Xerox copy of M.R. No. 5/06115	M 48 - Xerox copy of M.R. No. 7/4427
M 13 - Xerox copy of M.R. No. 18/06115	M 49 - Xerox copy of M.R. No. 15/06117
M 14 - Xerox copy of M.R. No. 1/08511	M 50 - Xerox copy of M.R. No. 9/06114
M 15 - Xerox copy of M.R. No. 19/07289	M 51 - Xerox copy of M.R. No. 18/06114
M 16 - Xerox copy of M.R. No. 7/4427	M 52 - Xerox copy of M.R. No. 6/06115
M 17 - Xerox copy of M.R. No. 4/4431	M 53 - Xerox copy of M.R. No. 18/06115
M 18 - Xerox copy of M.R. No. 13/15948	M 54 - Xerox copy of M.R. No. 1/08511
M 19 - Xerox copy of M.R. No. 15/06117	M 55 - Xerox copy of M.R. No. 2/08511
M 20 - Xerox copy of M.R. No. 21/06119	M 56 - Xerox copy of M.R. No. 22/08511
M 21 - Xerox copy of M.R. No. 13/08512	M 57 - Xerox copy of M.R. No. 13/08512
M 22 - Xerox copy of M.R. No. 23/08512	M 58 - Xerox copy of M.R. No. 23/08512
M 23 - Xerox copy of M.R. No. 10/08513	M 59 - Xerox copy of M.R. No. 10/08513
M 24 - Xerox copy of M.R. No. 11/08514	M 60 - Xerox copy of M.R. No. 15/20861
M 25 - Xerox copy of M.R. No. 15/20861	M 61 - Xerox copy of M.R. No. 18/20861
M 26 - Xerox copy of M.R. No. 18/20861	M 62 - Xerox copy of M.R. No. 12/20862
M 27 - Xerox copy of M.R. No. 12/20862	M 63 - Xerox copy of M.R. No. 11/20863
M 28 - Xerox copy of M.R. No. 11/20863	M 64 - Xerox copy of M.R. No. 19/20863
M 29 - Xerox copy of M.R. No. 03/20867	M 65 - Xerox copy of M.R. No. 11/20864
M 30 - Xerox copy of M.R. No. 02/20868	M 66 - Xerox copy of M.R. No. 09/20866
M 31 - Xerox copy of M.R. No. 13/20863	M 67 - Xerox copy of M.R. No. 03/20867
M 32 - Xerox copy of M.R. No. 12/20869	M 68 - Xerox copy of M.R. No. 14/20867
M 33 - Xerox copy of M.R. No. 23/20869	M 69 - Xerox copy of M.R. No. 02/20868
M 34 - Xerox copy of M.R. No. 20/04631	M 70 - Xerox copy of M.R. No. 12/20869
M 35 - Xerox copy of M.R. No. 24/2	M 71 - Xerox copy of M.R. No. 06/21253
M 36 - Xerox copy of M.R. No. 12/4	M 72 - Xerox copy of M.R. No. 13/27
M 37 - Xerox copy of M.R. No. 14/4	M 73 - Xerox copy of M.R. No. 19/29
M 38 - Xerox copy of M.R. No. 4/5	M 74 - Xerox copy of M.R. No. 4/29
M 39 - Xerox copy of M.R. No. 7/5	M 75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 1972.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 219/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-05-02 को प्राप्त हुआ था।

[सं. एल-40012/124/99-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1972**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 219/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-05-02.

[No. L-40012/124/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K.\*KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 219/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 225/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri J. Ravi and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai.

BETWEEN

Shri J. Ravi : I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist. Chennai.

**Appearance**

For the Workman : M/s.M.Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl. CGSC

The Govt of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No L-40012/124/99/IR(DU) dated 26-08-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D. No. 225/99. When the matter was pending enquiry in that Tribunal, the Govt of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I. D. No. 219/2001 and notices were sent to the counsel on either side, informing them about the transfer to this case to this Tribunal, with a direction to appear before this Tribunal on 07-02-2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the Demand of the workman Sh. J. Ravi for reinstatement by the General Manager, Telecommunications, Chengulpettu as casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follow :—

The I Party/Workman Sh J Ravi (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 14-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1146 number of days of service, he had not been regularised. The Department of telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a scheme known as casual mazdoors (Grant of temporary status and regularisation) Scheme

The Respondent/Telecom department failed to confer temporary status on the petitioner under the said scheme. Which is illegal and arbitrary. The I Party /Workman has been denied employment w.e.f 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty the Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders not he was taken back to duty so far. His services was utilised for the regular work that is peremial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous there is no reason or justification for denying the employment to the petitioner. No reason was given by the Respondent/ Telecom Department for terminating the services of the petitioner and the respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/ Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/ Management to reinstate the Petitioner in service w.e.f. 25-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 14-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1146 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis during 1995 for a period of 130 days only. The department used to engage the Petitioner as and when there was work. Since there was no

work, he was not further engaged. Hence, the question of appointment, termination and continuous service does not arise. The work done by the petitioner was purely casual in nature and not perennial. The Respondent has never informed the petitioner that the respondent/telecom department to take the petitioner back in service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : -

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I. D. No.156/2001, and Sri K. Mohan, Petitioner in I.D.No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common wit-

ness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the Xerox copy of the service certificates have been marked as common workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the Demand of the workman Sh. J. Ravi for reinstatement by of the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, he is entitled ?

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 Series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into court in their respective cases. In the cross-examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees' the Respondent/Telecom Department like him to give them work and as per their direction they went to see the

Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross-examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before they Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross-examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that



they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross-examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross-examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross-examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be

available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent /Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and

WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as it is contended by the Respondent/Management. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer.

#### **Common Witnesses Examined:—**

##### **For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### **For the II Party/Management: —**

M.W. 1 - Sh. P. Chandrasekar [D. E. (Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

#### **Common Documents Marked:—**

##### **For the I Party/Workmen:—**

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### **For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No.3/06114

M9 - Xerox copy of M.R. No.9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No.6/06115

M12 - Xerox copy of M.R.No.5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No.7/4427

M17 - Xerox copy of M.R. No.4/4431

M18 - Xerox copy of M.R. No. 13/15948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No.21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No.23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No.03/20867

M30 - Xerox copy of M.R. No.02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No.23/20869

M34 - Xerox copy of M.R. No.20/04631

M35 - Xerox copy of M.R. No.24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No.4/5

M39 - Xerox copy of M.R. No.7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No.22/5  
 M44 - Xerox copy of M.R. No.4/59  
 M45 - Xerox copy of M.R. No.04978  
 M46 - Xerox copy of M.R. No. 8/06216  
 M47 - Xerox copy of M.R. No.07188  
 M48 - Xerox copy of M.R. No.7/4427  
 M49 - Xerox copy of M.R. No. 15/06117  
 M50 - Xerox copy of M.R.No.9/06114  
 M51 - Xerox copy of M.R. No. 18/06114  
 M52 - Xerox copy of M.R. No.6/06115  
 M53 - Xerox copy of M.R. No. 18/06115  
 M54 - Xerox copy of M.R. No. 1/08511  
 M55 - Xerox copy of M.R. No.2/08511  
 M56 - Xerox copy of M.R. No.22/08511  
 M57 - Xerox copy of M.R. No. 13/08512  
 M58 - Xerox copy of M.R. No.23/08512  
 M59 - Xerox copy of M.R. No. 10/08513  
 M60 - Xerox copy of M.R. No. 15/20861  
 M61 - Xerox copy of M.R. No. 18/20861  
 M62 - Xerox copy of M.R. No. 12/20862  
 M63 - Xerox copy of M.R. No. 11/20863  
 M64 - Xerox copy of M.R. No. 19/20863  
 M65 - Xerox copy of M.R. No. 11/20864  
 M66 - Xerox copy of M.R. No.09/20866  
 M67 - Xerox copy of M.R. No.03/20867  
 M68 - Xerox copy of M.R. No. 14/20867  
 M69 - Xerox copy of M.R. No.02/20868  
 M70 - Xerox copy of M.R. No. 12/20869  
 M71 - Xerox copy of M.R. No.06/21253  
 M72 - Xerox copy of M.R. No. 13/27  
 M73 - Xerox copy of M.R. No. 19/29  
 M74 - Xerox copy of M.R. No. 4/29  
 M75 - Xerox copy of M.R. No.20/29

नई दिल्ली, 21 मई, 2002

का. आ. 1973.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 232/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-05-2002 को प्राप्त हुआ था।

[ सं. एल-14012/125/99-आई.आर.(डी.यू.) ]

कुलदीप राय वर्मा, डेस्क अधिकारी

Now Delhi, the 21st May, 2002

**S.O. 1973**—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 232/2001) of the Central Government Industrial Tribunal.

Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-05-2002.

[No. L-14012/125/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 232/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 244/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-Section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Jagadeesan and the management of The General Manager, Telecommunications, Kancheepuram Dist. Chennai.]

#### BETWEEN

Shri J. Jagadeesan : I Party/Workman

#### AND

The General Manager, : II Party/Management  
 Telecommunications,  
 Kancheepuram Dist., Chennai

#### APPEARANCE :

For the Workman : M/s. M.Gnanasekar,  
 C. Premavathi &  
 G. Manjula,  
 Advocates

For the Management : Sri R. Kannappan.  
 Addl. CGSC

The Govt of India. Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/125/99/IR/(DU) dated 13-09-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D. No.224/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from

that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 232/2001 and notices were sent to the counsel on either side, informing them about the transfer about this case to this Tribunal, with a direction to appear before this Tribunal on 08-02-2001. On receipt of notice from this Tribunal, the counsel on earlier side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon persuing the Claim statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II party/management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

"Whether the demand of the workman Sh. S. Jagadeesan for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, he is entitled?"

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follow :—

The I Party/Workman Sh. S. Jagadeesan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/management Telcom department (hereinafter refers to as Respondent) on 10-12-1984 for digging, drawing wires, laying posts and for allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1022 number of days of service, he had not been regularised. The Department of telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a scheme known as casual mazdoors (Grant of temporary status and regularisation) Scheme. The Respondent/Telecom department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-05-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was

utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous there is no reason or justification for denying the employment to the petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the petitioner and the respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 10-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1022 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis the department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and

4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in LD.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the demand of the workman Sh. S. Jagadeesan for reinstatement by the general Manager, Telecommunications, Chengalpattu as

casual mazdoor is legal and justified? If not, to what relief, he is entitled”

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original mus-

ter rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995. As he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has

been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex. M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The Zerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of

exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true. The Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as it is contended by the Respondent/Management. From the

available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### **Common Witnesses Examined :—**

##### **For the I Party/Workmen :—**

W.W.1 — Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 — Sh.K-Mohan (Petitioner in I.D. 262/2001)

##### **For the II Party/Management :—**

M.W. 1—Sh. P. Chandrasekar [DE (Legal & Commercial)] Examined in I.D. No. 11/2001 and has taken as Common evidence in this case.

#### **Common Documents Marked :—**

##### **For the I Party/Workmen :—**

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2—Original Service Note Book.

W3 Series (7)—Zerox copy of the service certificates issued in favour of Petitioners.

##### **For the II Party/Management :—**

M1—Zerox copy of the service certificate issued in favour of Petitioners.

M 2 - Xerox copy of M.R. No.05850  
 M 3 - Xerox copy of M.R. No.05851  
 M 4 - Xerox copy of M.R. No.07188  
 M 5 - Xerox copy of M.R. No.07193  
 M 6 - Xerox copy of M.R. No. 19/04693  
 M 7 - Xerox copy of M.R. No. 18/04693  
 M 8 - Xerox copy of M.R. No.3/06114  
 M 9 - Xerox copy of M.R. No.9/06114  
 M 10 - Xerox copy of M.R. No. 18/06114  
 M 11 - Xerox copy of M.R.No.6/06115  
 M 12 - Xerox copy of M.R.No.5/06115  
 M 13 - Xerox copy of M.R. No. 18/06115  
 M 14 - Xerox copy of M.R. No. 1/08511  
 M 15 - Xerox copy of M.R. No. 19/07289  
 M 16 - Xerox copy of M.R. No.7/4427  
 M 17 - Xerox copy of M.R. No.4/4431  
 M 18 - Xerox copy of M.R. No. 13/15 948  
 M 19 - Xerox copy of M.R. No. 15/06117  
 M 20 - Xerox copy of M.R. No.21/06119  
 M 21 - Xerox copy of M.R. No. 13/08512  
 M 22 - Xerox copy of M.R. No.23/08512  
 M 23 - Xerox copy of M.R. No. 10/08513  
 M 24 - Xerox copy of M.R. No. 11/08514  
 M 25 - Xerox copy of M.R. No. 15/20861  
 M 26 - Xerox copy of M.R. No. 18/20861  
 M 27 - Xerox copy of M.R. No. 12/20862  
 M 28 - Xerox copy of M.R. No. 11/20863  
 M 29 - Xerox copy of M.R. No.03/20867  
 M 30 - Xerox copy of M.R. No.02/20868  
 M 31 - Xerox copy of M.R. No. 13/20863  
 M 32 - Xerox copy of M.R. No. 12/20869  
 M 33 - Xerox copy of M.R. No.23/20869  
 M 34 - Xerox copy of M.R. No.20/04631  
 M 35 - Xerox copy of M.R. No.24/2  
 M 36 - Xerox copy of M.R. No. 12/4  
 M 37 - Xerox copy of M.R. No. 14/4  
 M 38 - Xerox copy of M.R. No. 4/5  
 M 39 - Xerox copy of M.R. No.7/5  
 M 40 - Xerox copy of M.R. No. 10/5  
 M 41 - Xerox copy of M.R. No. 11/5  
 M 42 - Xerox copy of M.R. No. 17/5  
 M 43 - Xerox copy of M.R. No. 22/5  
 M 44 - Xerox copy of M.R. No. 4/59  
 M 45 - Xerox copy of M.R. No. 04978  
 M 46 - Xerox copy of M.R. No. 8/06216  
 M 47 - Xerox copy of M.R. No. 07188  
 M 48 - Xerox copy of M.R. No. 7/4427

M 49 - Xerox copy of M.R. No. 15/06117  
 M 50 - Xerox copy of M.R.No. 9/06114  
 M 51 - Xerox copy of M.R. No. 18/06114  
 M 52 - Xerox copy of M.R. No. 6/06115  
 M 53 - Xerox copy of M.R. No. 18/06115  
 M 54 - Xerox copy of M.R. No. 1/08511  
 M 55 - Xerox copy of M.R. No. 2/08511  
 M 56 - Xerox copy of M.R. No. 22/08511  
 M 57 - Xerox copy of M.R. No. 13/08512  
 M 58 - Xerox copy of M.R. No. 23/08512  
 M 59 - Xerox copy of M.R. No. 10/08513  
 M 60 - Xerox copy of M.R. No. 15/20861  
 M 61 - Xerox copy of M.R. No. 18/20861  
 M 62 - Xerox copy of M.R. No. 12/20862  
 M 63 - Xerox copy of M.R. No. 11/20863  
 M 64 - Xerox copy of M.R. No. 19/20863  
 M 65 - Xerox copy of M.R. No. 11/20864  
 M 66 - Xerox copy of M.R. No. 09/20866  
 M 67 - Xerox copy of M.R. No. 03/20867  
 M 68 - Xerox copy of M.R. No. 14/20867  
 M 69 - Xerox copy of M.R. No. 02/20868  
 M 70 - Xerox copy of M.R. No. 12/20869  
 M 71 - Xerox copy of M.R. No. 06/21253  
 M 72 - Xerox copy of M.R. No. 13/27  
 M 73 - Xerox copy of M.R. No. 19/29  
 M 74 - Xerox copy of M.R. No. 4/29  
 M 75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 1974.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, दूर संचार विभाग के प्रबंधतंत्र के संशुद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 239/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-05-02 को प्राप्त हुआ था।

[सं. एल-40012/126/99-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1974.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947(14 of 1947), the Central Government hereby publishes the award (Ref. No. 239/2001) of the Central Government Industrial/Tribunal, Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-05-02.

[No. L-40012/126/99-IR(DU)]

KULDIP RAI VERMA, Desk Officer



**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN,

Presiding Officer

**INDUSTRIAL DISPUTE NO.239/2001**

(Tamil Nadu State Industrial Tribunal I.D. No. 251/99)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-Section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri J. Ravi and the management of The General Manager, Telecommunications, Kancheepuram Distt. Chennai.

**BETWEEN**

Shri G. Palani : I Party/Workman

**AND**

1. The Chief General Manager, : II Party/ Management Telecom. Tamil Nadu Circle, Chennai.

2. The General manager, Telecommunications, Kancheepuram Distt Chennai.

3. The Divisional Engineer, Admn. C/o The General manager, Telecommunications, Kancheepuram Dist., Chennai.

4. The Sub Divisional Engineer, Telecommunications, Kancheepuram Distt.,

**APPEARANCE :—**

For the Workman : M/s.M.Gnanasekar, C. Premavathi & G. Manjula, Advocates

For the Management : Sri R. Kannappan Addl. CGSC

The Govt of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/126/99/IR/(DU) dated 13-09-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai where it was taken on file as I.D. No.251/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been

taken on file as I.D. No. 239/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 08-02-2001. On receipt of notice from this Tribunal, the counsels on eariler siae present along with their respective parties and prosecuted the case further.

When the matter camp up before me for final hearing on 01-04-2002, upon perusing the Claim statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the argument advanced by the learned counsel for the II party/management alone, this matter having stood over till date for consideration, this Tribunal has passed the following :—

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the Management, Telecom., in terminating the services of Sh. G. Palani as casual Mazdoor, is legal and justified ? If not, to what relief, he is entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follow :—

The I Party/Workman Sh. G. Palani (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/management Telcom department (hereinafter refers to as Respondent) on 1-03-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs .7.25 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1093 number of days of service, he had not been regularised. The Department of telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a scheme known as casual madoors (Grant of temporary status and regularization) Scheme. The Respondent/ Telecom department failed to confer temporary status on the petitioner under the said scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His services was utilised for the regular work that its perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous there is no reason or justification for denying the employment to the petitioner. No reason was given by the

**Respondent/Telecom** Department for terminating the services of the petitioner and the respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25.6.95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3 The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 1-3-1985 and his contention about continuous working with the Respondent/Department for a period of 1093 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis during 1995 for a period of 135 days. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

- 1 The casual labour should have been engaged prior to 31.3.1985;
- 2 He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
- 3 He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner

also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the action of the General Manager, Telecom., in terminating the services of Sh. G. Palani as, casual mazdoor is legal and justified? If not, to what relief, he is entitled?"

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been

examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false

certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked continuously till 1995, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for this Petitioner to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department.

ment from 1985 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/

Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted then temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management condents it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice

and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:-**

**For the I Party/Workmen:-**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh.K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management :—**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case

**Common Documents Marked :—**

**For the I Party/Workmen :—**

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management :—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M 2 - Xerox copy of M R No. 05850

M 3 - Xerox copy of M.R No 05851

M 4 - Xerox copy of M.R. No. 07188

M 5 - Xerox copy of M.R. No. 07193

M 6 - Xerox copy of M.R. No. 19/04693

M 7 - Xerox copy of M.R. No. 18/04693

M 8 - Xerox copy of M.R. No. 3/06114

M 9 - Xerox copy of M R. No. 9/06114

M 10 - Xerox copy of M R No. 18/06114

M 11 - Xerox copy of M R No. 6/06115

M 12 - Xerox copy of M.R.No 5/06115

M 13 - Xerox copy of M.R No 18/06115

M 14 - Xerox copy of M.R. No. 1/08511

M 15 - Xerox copy of M.R. No. 19/07289

M 16 - Xerox copy of M.R. No. 7/4427

M 17 - Xerox copy of M.R. No. 4/4431

M 18 - Xerox copy of M.R. No. 13/15 948

M 19 - Xerox copy of M.R. No. 15/06117

M 20 - Xerox copy of M.R. No. 21/06119

M 21 - Xerox copy of M.R. No. 13/08512

M 22 - Xerox copy of M.R. No. 23/08512

M 23 - Xerox copy of M.R. No. 10/08513

M 24 - Xerox copy of M.R. No. 11/08514

M 25 - Xerox copy of M.R. No. 15/20861

M 26 - Xerox copy of M.R. No. 18/20861

M 27 - Xerox copy of M R. No. 12/20862

M 28 - Xerox copy of M.R. No. 11/20863

M 29 - Xerox copy of M.R. No. 03/20867

M 30 - Xerox copy of M.R. No. 02/20868

M 31 - Xerox copy of M.R. No. 13/20863

M 32 - Xerox copy of M.R. No. 12/20869

M 33 - Xerox copy of M.R. No. 23/20869

M 34 - Xerox copy of M.R. No. 20/04631

M 35 - Xerox copy of M.R. No. 24/2

M 36 - Xerox copy of M.R. No. 12/4

M 37 - Xerox copy of M.R. No. 14/4

M 38 - Xerox copy of M.R. No. 4/5

M 39 - Xerox copy of M.R. No. 7/5

M 40 - Xerox copy of M.R. No. 10/5

M 41 - Xerox copy of M.R. No. 11/5

M 42 - Xerox copy of M.R. No. 17/5

M 43 - Xerox copy of M R. No. 22/5

M 44 - Xerox copy of M.R. No.4/59

M 45 - Xerox copy of M.R. No. 04978

M 46 - Xerox copy of M.R. No. 8/06216

M 47 - Xerox copy of M.R. No. 07188

M 48 - Xerox copy of M.R. No. 7/4427

M 49 - Xerox copy of M R. No. 15/06117

M 50 - Xerox copy of M R No.9/06114

M 51 - Xerox copy of M R. No. 18/06114

M 52 - Xerox copy of M.R. No.6/06115

M 53 - Xerox copy of M.R. No. 18/06115

M 54 - Xerox copy of M.R. No. 1/08511

M 55 - Xerox copy of M.R. No. 2/08511

M 56 - Xerox copy of M.R. No. 22/08511

M 57 - Xerox copy of M.R. No. 13/08512

M 58 - Xerox copy of M R. No. 23/08512

M 59 - Xerox copy of M.R. No. 10/08513

M 60 - Xerox copy of M.R. No. 15/20861

M 61 - Xerox copy of M.R. No. 18/20861

M 62 - Xerox copy of M.R. No. 12/20862

M 63 - Xerox copy of M.R. No. 11/20863

M 64 - Xerox copy of M.R. No. 19/20863

M 65 - Xerox copy of M.R. No. 11/20864

M 66 - Xerox copy of M R. No. 09/20866

M 67 - Xerox copy of M.R. No. 03/20867

M 68 - Xerox copy of M R. No. 14/20867

M 69 - Xerox copy of M.R. No. 02/20868

M 70 - Xerox copy of M.R. No. 12/20869

M 71 - Xerox copy of M.R. No. 06/21253

M 72 - Xerox copy of M.R. No. 13/27

M 73 - Xerox copy of M.R. No. 19/29

M 74 - Xerox copy of M R. No. 4/29

M 75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का.आ. 1975.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 234/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[ सं. एल-40012/128/99-आई.आर. ( डी.यू. ) ]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1975.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 234/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/128/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT K. Karthikeyan Presiding Officer

INDUSTRIAL DISPUTE NO 234/2001 (Tamil Nadu State  
Industrial Tribunal I.D.No.246/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri A. Ananth and the Management of the General Manager, Telecommunications, Kancheepuram Dist. Chennai )

BETWEEN

Sri A. Ananth : I Party/Workman

AND

The General Manager, : II Party/Management

Telecommunications,

Kancheepuram Dist. Chennai.

APPEARANCE : --

For the Workman : M/s. M.Gnanasekar, C.  
Premavathi &  
G. Manjula, Advocates

For the Management : Sri R. Kannappan Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-

section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/128/99/IR(DU) dated 13-09-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 246/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 234/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 08-02-2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01.04.2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above Order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the Demand of the workman Sh. A. Ananth for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor, is legal and justified? If not, to what relief, he is entitled?”

2 The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows: -

The I Party/Workman Sh. A. Ananth (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 29-06-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1164 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner

under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-04-1995 and, when his services were terminated he was getting Rs 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/ Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/ Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/ Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/ Telecom Department for a declaration that the order of termination dated 25-4-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-4-1995 and to pay all arrears of back wages and all other attendant benefits.

3 The I Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 29-06-1984 and his contention about continuous working with the Respondent/Department for a period of 1501 number of days of service and the alleged termination of the Petitioner from service on 25.04.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers' who

actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/ Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No. 156/2001, and Sri K. Mohan, Petitioner in I.D.No. 262/2001, have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the verox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Manage-

ment the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the workman Sh. Ananth to Sh. N. Lal for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor, is legal and justified? If not, to what relief, he is entitled?”

Point : -

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1, series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like line man to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements

filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they meet and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/



Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that Service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The Xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is

seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective

Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002 )

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined:—

##### For the I Party/Workmen:—

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management:—

M. W. 1 - Sh. P. Chandrasekar DE (Legal & Commercial)  
Examined in I.D. No. 11/2001 and has taken as  
Common evidence in this case

#### Common Documents Marked .—

##### For the I Party/Workmen —

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### For the II Party/Management:—

- M1 - Xerox copy of the service certificate issued in favour of Petitioners.
- M2 - Xerox copy of M.R. No.05850
- M3 - Xerox copy of M.R. No.05851
- M4 - Xerox copy of M.R. No.07188
- M5 - Xerox copy of M.R. No.07193
- M6 - Xerox copy of M.R. No. 19/04693
- M7 - Xerox copy of M.R. No. 18/04693
- M8 - Xerox copy of M.R. No.3/06114
- M9 - Xerox copy of M.R. No.9/06114
- M10 - Xerox copy of M.R. No. 18/06114
- M11 - Xerox copy of M.R. No.6/06115
- M12 - Xerox copy of M.R. No.5/06115
- M13 - Xerox copy of M.R. No. 18/06115
- M14 - Xerox copy of M.R. No. 1/08511
- M15 - Xerox copy of M.R. No. 19/07289
- M16 - Xerox copy of M.R. No.7/4427
- M17 - Xerox copy of M.R. No.4/4431
- M18 - Xerox copy of M.R. No. 13/15 948
- M19 - Xerox copy of M.R. No. 15/06117
- M20 - Xerox copy of M.R. No.21/06119
- M21 - Xerox copy of M.R. No. 13/08512
- M22 - Xerox copy of M.R. No.23/08512
- M23 - Xerox copy of M.R. No. 10/08513
- M24 - Xerox copy of M.R. No. 11/08514
- M25 - Xerox copy of M.R. No. 15/20861
- M26 - Xerox copy of M.R. No. 18/20861
- M27 - Xerox copy of M.R. No. 12/20862
- M28 - Xerox copy of M.R. No. 11/20863
- M29 - Xerox copy of M.R. No.03/20867
- M30 - Xerox copy of M.R. No.02/20868
- M31 - Xerox copy of M.R. No. 13/20863
- M32 - Xerox copy of M.R. No. 12/20869
- M33 - Xerox copy of M.R. No.23/20869
- M34 - Xerox copy of M.R. No.20/04631
- M35 - Xerox copy of M.R. No.24/2
- M36 - Xerox copy of M.R. No. 12/4
- M37 - Xerox copy of M.R. No. 14/4
- M38 - Xerox copy of M.R. No.4/5
- M39 - Xerox copy of M.R. No.7/5
- M40 - Xerox copy of M.R. No. 10/5
- M41 - Xerox copy of M.R. No. 11/5
- M42 - Xerox copy of M.R. No. 17/5
- M43 - Xerox copy of M.R. No.22/5

- M44 - Xerox copy of M.R. No.4/59
- M45 - Xerox copy of M.R. No.04978
- M46 - Xerox copy of M.R. No. 8/06216
- M47 - Xerox copy of M.R. No.07188
- M48 - Xerox copy of M.R. No.7/4427
- M49 - Xerox copy of M.R. No. 15/06117
- M50 - Xerox copy of M.R.No.9/06114
- M51 - Xerox copy of M.R. No. 18/06114
- M52 - Xerox copy of M.R. No.6/06115
- M53 - Xerox copy of M.R. No. 18/06115
- M54 - Xerox copy of M.R. No. 1/08511
- M55 - Xerox copy of M.R. No.2/08511
- M56 - Xerox copy of M.R. No.22/08511
- M57 - Xerox copy of M.R. No. 13/08512
- M58 - Xerox copy of M.R. No.23/08512
- M59 - Xerox copy of M.R. No. 10/08513
- M60 - Xerox copy of M.R. No. 15/20861
- M61 - Xerox copy of M.R. No. 18/20861
- M62 - Xerox copy of M.R. No. 12/20862
- M63 - Xerox copy of M.R. No. 11/20863
- M64 - Xerox copy of M.R. No. 19/20863
- M65 - Xerox copy of M.R. No. 11/20864
- M66 - Xerox copy of M.R. No.09/20866
- M67 - Xerox copy of M.R. No.03/20867
- M68 - Xerox copy of M.R. No. 14/20867
- M69 - Xerox copy of M.R. No.02/20868
- M70 - Xerox copy of M.R. No. 12/20869
- M71 - Xerox copy of M.R. No.06/21253
- M72 - Xerox copy of M.R. No. 13/27
- M73 - Xerox copy of M.R. No. 19/29
- M74 - Xerox copy of M.R. No. 4/29
- M75 - Xerox copy of M.R. No.20/29

नई दिल्ली 21 मई, 2002

**का.आ. 1976.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार द्वारा संचार विभाग के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 235/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/130/99-आई.आर. (डी.यू.)]  
कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1976.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 235/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/130/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present: K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE No. 235/2001  
(Tamil Nadu State Industrial Tribunal I.D.No.247/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri D. Ramesh and the Management of the General Manager, Telecommunications, Kancheepuram Dist. Chennai.]

#### BETWEEN

Shri D. Ramesh : I Party/Workman

AND

The General Manager. : II Party/Management  
Telecommunications.  
Kancheepuram Dist. Chennai.

#### APPEARANCE :

For the Workman : M/s.M.Gnanasekar,  
C.Premavathi &  
G.Manjula, Advocates

For the Management : Sri R.Kananiappan  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/130/99/IR(DU) dated 13-09-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 247/99. When the matter was pending enquiry in that Tribunal the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 235/2001 and notices were sent to the counsel on either side, informing them about the transfer of this

case to this Tribunal, with a direction to appear before this Tribunal on 08.02.2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01.04.2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following:—

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the Demand of the workman Sh. D. Ramesh for reinstatement by the General Manager, Telecommunications Chengalpattu casual mazdoor’ is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sh. D. Ramesh (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 14-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1230 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the

Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 14-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1230 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages in 1995 for a period of 196 days. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called ‘Grant of Temporary Status to Casual Labourers’ was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he

could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the xerox copy of the service certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the demand of the workman Sh.D. Ramesh for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

Point : —

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have

been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective

Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service

certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have been granted them temporary status mazdoors for Casual Labourers.

From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner were engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contained its. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evi-

dence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### **Common Witnesses Examined :—**

##### **For the I Party/Workmen :—**

W.W.1- Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2- Sh.K-Mohan (Petitioner in I.D. 262/2001)

##### **For the II Party/Management: -**

M.W. 1- Sh. P. Chandrasekar [(DE) Legal & Commercial]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case

#### **Common Documents Marked:—**

##### **For the I Parv/Workmen:—**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### **For the II Parv/Management:-**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No.3/06114

M9 - Xerox copy of M.R. No.9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No. 6/06115

M12 - Xerox copy of M.R.No. 5/06115

M13 - Xerox copy of M.R. No.18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289  
 M16 - Xerox copy of M.R. No. 7/4427  
 M17 - Xerox copy of M.R. No. 4/4431  
 M18 - Xerox copy of M.R. No. 13/15948  
 M19 - Xerox copy of M.R. No. 15/06117  
 M20 - Xerox copy of M.R. No. 21/06119  
 M21 - Xerox copy of M.R. No. 13/08512  
 M22 - Xerox copy of M.R. No. 23/08512  
 M23 - Xerox copy of M.R. No. 10/08513  
 M24 - Xerox copy of M.R. No. 11/08514  
 M25 - Xerox copy of M.R. No. 15/20861  
 M26 - Xerox copy of M.R. No. 18/20861  
 M27 - Xerox copy of M.R. No. 12/20862  
 M28 - Xerox copy of M.R. No. 11/20863  
 M29 - Xerox copy of M.R. No. 03/20867  
 M30 - Xerox copy of M.R. No. 02/20868  
 M31 - Xerox copy of M.R. No. 13/20863  
 M32 - Xerox copy of M.R. No. 12/20869  
 M33 - Xerox copy of M.R. No. 23/20869  
 M34 - Xerox copy of M.R. No. 20/04631  
 M35 - Xerox copy of M.R. No. 24/2  
 M36 - Xerox copy of M.R. No. 12/4  
 M37 - Xerox copy of M.R. No. 14/4  
 M38 - Xerox copy of M.R. No. 4/5  
 M39 - Xerox copy of M.R. No. 7/5  
 M40 - Xerox copy of M.R. No. 10/5  
 M41 - Xerox copy of M.R. No. 11/5  
 M42 - Xerox copy of M.R. No. 17/5  
 M43 - Xerox copy of M.R. No. 22/5  
 M44 - Xerox copy of M.R. No. 4/59  
 M45 - Xerox copy of M.R. No. 04978  
 M46 - Xerox copy of M.R. No. 8/06216  
 M47 - Xerox copy of M.R. No. 07188  
 M48 - Xerox copy of M.R. No. 7/4427  
 M49 - Xerox copy of M.R. No. 15/06117  
 M50 - Xerox copy of M.R. No. 9/06114  
 M51 - Xerox copy of M.R. No. 18/06114  
 M52 - Xerox copy of M.R. No. 6/06115  
 M53 - Xerox copy of M.R. No. 18/06115  
 M54 - Xerox copy of M.R. No. 1/08511  
 M55 - Xerox copy of M.R. No. 2/08511  
 M56 - Xerox copy of M.R. No. 22/08511  
 M57 - Xerox copy of M.R. No. 13/08512  
 M58 - Xerox copy of M.R. No. 23/08512  
 M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861  
 M61 - Xerox copy of M.R. No. 18/20861  
 M62 - Xerox copy of M.R. No. 12/20862  
 M63 - Xerox copy of M.R. No. 11/20863  
 M64 - Xerox copy of M.R. No. 19/20863  
 M65 - Xerox copy of M.R. No. 11/20864  
 M66 - Xerox copy of M.R. No. 09/20866  
 M67 - Xerox copy of M.R. No. 03/20867  
 M68 - Xerox copy of M.R. No. 14/20867  
 M69 - Xerox copy of M.R. No. 02/20868  
 M70 - Xerox copy of M.R. No. 12/20869  
 M71 - Xerox copy of M.R. No. 06/21253  
 M72 - Xerox copy of M.R. No. 13/27  
 M73 - Xerox copy of M.R. No. 19/29  
 M74 - Xerox copy of M.R. No. 4/29  
 M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का.आ. 1977.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 720/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/133/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1977.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 720/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/133/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 720/2001

(Tamil Nadu Principal Labour Court C.G.I.D. No. 370/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2 A) of



Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri R. Vijayakeerthy and the Management of the Telecommunications, Kancheepuram Dist., Chennai.)

**BETWEEN**

Sri R. Vijayakeerthy : I Party/Workman

**AND**

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist., Chennai.

**APPEARANCE:—**

For the Workman : M/s. M. Gnanasekaran,  
C. Premavathy, Advocates

For the Management : Shri K. Sambasivam  
Addl. C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/133/99/IR(DU) dated 29.09.1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 370/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 720/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 18-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri R. Vijayakeerthy, Casual Mazdoor is legal and justified? If not, to what relief is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :

The I Party/Workman Sri R. Vijayakeerthy (hereinafter refers to as Petitioner) was engaged as casual labour in the II party/Management Telecom Department (hereinafter refers to as Respondent) on 19-09-84 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1264 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 16-06-95 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 16-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 16-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 19.09.1984 and his contention about continuous working with the Respondent/Department for a period of 1264 number of days of service and the alleged termination of the Petitioner from service on 16-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of 228 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can

be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umamathy, Petitioner in ID. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W 1 to W 3 have been marked as Ex. M1, M 2 to M 75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is -

"Whether the action of the General Manager, Telecom, Chengalpattu in terminating the service of Shri R. Vijayakcerthy, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?"

Point : -

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW 1 and WW 2. W 1 series, W 2 and W 3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W 1 to W 3 have been marked as Ex. M1, M 2 to M 75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telccom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW 2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW 2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status

mazdoor only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the

Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that Service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex. M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labour. From the available evidence, it is seen that these Petitioners were engaged as Casual

Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourer. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourer only for short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourer was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service

certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis, during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:—**

**For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management: —**

M.W. 1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]

Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

**Common Documents Marked:—**

**For the I Party/Workmen:—**

W1 - Series(7) - Original service certificates issued in favour of Petitioners.

W 2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No.3/06114

M9 - Xerox copy of M.R. No.9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No.6/06115

M12 - Xerox copy of M.R.No.5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No.7/4427

M17 - Xerox copy of M.R. No.4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No.21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No.23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No.03/20867

M30 - Xerox copy of M.R. No.02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No.23/20869

M34 - Xerox copy of M.R. No.20/04631

M35 - Xerox copy of M.R. No.24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No.4/5

M39 - Xerox copy of M.R. No.7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No.22/5

M44 - Xerox copy of M.R. No.4/59

M45 - Xerox copy of M.R. No.04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No.07188

M48 - Xerox copy of M.R. No.7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R.No.9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No.6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No.2/08511

M56 - Xerox copy of M.R. No.22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No.23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No.09/20866

M67 - Xerox copy of M.R. No.03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No.02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No.06/21253

M72 - Xerox copy of M.R. No. 13/27

M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No.20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 1978.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 719/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/134/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S. O. 1978.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 719/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/134/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present: K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 719/2001

(Tamil Nadu Principal Labour Court CGID. No. 369/  
99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri S. Ravi and the Management of the Telecommunications, Kancheepuram Dist., Chennai.)

**BETWEEN**

Sri S. Ravi : I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications.

Kancheepuram Dist., Chennai.

Appearance:-

For the Workman : M/s.M.Gnanasekaran,  
C.Premavathy  
Advocates

For the Management : Sri K. Sambasivam  
Addl. C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/134/99/IR(DU) dated 29-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 369/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 719/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 18-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of S. Shri S. Ravi, Casual Mazdoor is legal and justified? If not, to what relief, is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Sri S. Ravi (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 22-02-84 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1840 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant

of Temporary status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I party/Workman has been denied employment w.e.f. 25-05-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-05-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-05-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 22-02-84 and his contention about continuous working with the Respondent/Department for a period of 1840 number of days of service and the alleged termination of the Petitioner from service on 25-05-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of

191 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox

copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri S. Ravi, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who

have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these



Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that services certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From

this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under these muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the respondent/Department would have granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of

issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis, during trial of the cases, before this Tribunal, go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### **Common Witnesses Examined:—**

##### **For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh.K. Mohan (Petitioner in I.D. 262/2001)

##### **For the II Party/Management:—**

M.W. 1 - Sh. P. Chandrasekar-[DE (Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

##### **Common Documents Marked :—**

##### **For the I Party/Workmen :—**

W 1 Series (7) - Original service certificates issued in favour of Petitioners.

W 2 - Original Service Note Book.

W 3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### **For the II Party/Management :—**

M 1- Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No. 6/06115

M12 - Xerox copy of M.R.No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4  
 M38 - Xerox copy of M.R. No. 4/5  
 M39 - Xerox copy of M.R. No. 7/5  
 M40 - Xerox copy of M.R. No. 10/5  
 M41 - Xerox copy of M.R. No. 11/5  
 M42 - Xerox copy of M.R. No. 17/5  
 M43 - Xerox copy of M.R. No. 22/5  
 M44 - Xerox copy of M.R. No. 4/59  
 M45 - Xerox copy of M.R. No. 04978  
 M46 - Xerox copy of M.R. No. 8/06216  
 M47 - Xerox copy of M.R. No. 07188  
 M48 - Xerox copy of M.R. No. 7/4427  
 M49 - Xerox copy of M.R. No. 15/06117  
 M50 - Xerox copy of M.R. No. 9/06114  
 M51 - Xerox copy of M.R. No. 18/06114  
 M52 - Xerox copy of M.R. No. 6/06115  
 M53 - Xerox copy of M.R. No. 18/06115  
 M54 - Xerox copy of M.R. No. 1/08511  
 M55 - Xerox copy of M.R. No. 2/08511  
 M56 - Xerox copy of M.R. No. 22/08511  
 M57 - Xerox copy of M.R. No. 13/08512  
 M58 - Xerox copy of M.R. No. 23/08512  
 M59 - Xerox copy of M.R. No. 10/08513  
 M60 - Xerox copy of M.R. No. 15/20861  
 M61 - Xerox copy of M.R. No. 18/20861  
 M62 - Xerox copy of M.R. No. 12/20862  
 M63 - Xerox copy of M.R. No. 11/20863  
 M64 - Xerox copy of M.R. No. 19/20863  
 M65 - Xerox copy of M.R. No. 11/20864  
 M66 - Xerox copy of M.R. No. 09/20866  
 M67 - Xerox copy of M.R. No. 03/20867  
 M68 - Xerox copy of M.R. No. 14/20867  
 M69 - Xerox copy of M.R. No. 02/20868  
 M70 - Xerox copy of M.R. No. 12/20869  
 M71 - Xerox copy of M.R. No. 06/21253  
 M72 - Xerox copy of M.R. No. 13/27  
 M73 - Xerox copy of M.R. No. 19/29  
 M74 - Xerox copy of M.R. No. 4/29  
 M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का. आ. 1979.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 723/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/135/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1979.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 723/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/135/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT,  
 CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN,  
 Presiding Officer

INDUSTRIAL DISPUTE No. 723/2001  
 (Tamil Nadu Principal Labour Court CGID. No. 373/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri G. Swamy Kannu and the Management of the Telecommunications, Kancheepuram Dist., Chennai.)

#### BETWEEN

I Party/Workman

#### AND

II Party/Management  
 The General Manager,  
 Telecommunications  
 Kancheepuram Dist.,  
 Chennai

#### Appearance:—

For the Workman

M/S M. Chanasai

Chennai, 21st May 2002

For the Management : Sri K. Sambasivam

Addl. C.G.S.C.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/135/99/IR(DU) dated 29-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 373/99. When the matter was pending enquiry in that Principal Labour Court, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 723/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 18-10-2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01.04.2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri G. Swamy Kannu, Casual Mazdoor is legal and justified? If not, to what relief, is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri G. Swamy Kannu (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 20-02-84 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs 6.50 as daily rated wages. Though the Petitioner has been continuously working with the

Respondent, and has put in 1217 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio void* and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-06-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 20-02-84 and his contention about continuous working with the Respondent/Department for a period of 1217 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged

that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of less than 240 days. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-1989;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umaphathy, Petitioner in I.D. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by

the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri G. Swamy Kannu, Casual Mazdoor is legal and justified? If not, to what relief, is he entitled?”

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. WW1 series, WW2 and WW3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they

met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/ Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual man/door in the year 1984 and worked continuously till 1995. As he has stated in his Claim Statement, It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim

Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for this Petitioner to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the

Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and

they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day of 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:—****For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh.K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:—**

M.W. 1—Sh. P. Chandrasekar [DE(Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

**Common Documents Marked :—****For the I Party/Workmen :—**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No.3/06114

M9 - Xerox copy of M.R. No 9/06114

M10 - Xerox copy of M.R. No 18/06114

M11 - Xerox copy of M.R.No 6/06115

M12 - Xerox copy of M.R.No.5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R.No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No.23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No. 09/20866

M67 - Xerox copy of M.R. No. 03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No. 02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No. 06/21253

M72 - Xerox copy of M.R. No. 13/27



M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No.20/29

नई दिल्ली, 21 मई, 2002

का.आ. 1980.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 715/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/136/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1980.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 715/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/136/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT: K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE No.715/2001

(Tamil Nadu Principal Labour Court CGID No.  
365/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri G. Dhanapandian and the Management of Telecommunications, Kancheepuram Dist., Chennai )

BETWEEN

Sri G. Dhanapandian . I Party/Workman

AND

The General Manager. II Party/Management  
Telecommunications.

Kancheepuram Dist. Chennai.

APPEARANCE:

For the Workman : M/s.M. Gnanasekaran, C.  
Premavathy, Advocates

For the Management : Sri K. Sambasivam, Addl.  
CGSC.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/136/99/IR(DU) dated 29-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 365/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 715/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 17-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri G. Dhanapandian, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri G. Dhanapandian (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 22-02-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the

Respondent, and has put in 1753 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-6-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefit including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status-scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 22-02-1984 and his contention about continuous working with the Respondent/Department for a period of 1753 number of days of service and the alleged termination of the

Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of less than 240 days. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has

been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is -

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri G. Dhanapandian, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

Point : -

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex W1 to W3 have been marked as Ex M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/ Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the

Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them, and where they have worked and

who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were

engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be

bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial, of the cases before this Tribunal go to show that these Petitioners have treated them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

### Common-Witnesses Examined :—

#### For the I Party/Workmen :—

W.W.1 - Sh. K. Umapathy (Petitioner in I D 156/2001)

W.W.2 - Sh.K-Mohan (Petitioner in I.D. 262/2001)

#### For the II Party/Management :—

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

### Common Documents Marked :—

#### For the I Party/Workmen :—

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

#### For the II Party/Management :—

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No.3/06114

M9 - Xerox copy of M.R. No.9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No.6/06115

M12 - Xerox copy of M.R.No.5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No.7/4427

M17 - Xerox copy of M.R. No.4/4431

M18 - Xerox copy of M.R. No. 13/15948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No.21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No.23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No.03/20867

M30 - Xerox copy of M.R. No.02/20868  
 M31 - Xerox copy of M.R. No. 13/20863  
 M32 - Xerox copy of M.R. No. 12/20869  
 M33 - Xerox copy of M.R. No.23/20869  
 M34 - Xerox copy of M.R. No.20/04631  
 M35 - Xerox copy of M.R. No.24/2  
 M36 - Xerox copy of M.R. No. 12/4  
 M37 - Xerox copy of M.R. No. 14/4  
 M38 - Xerox copy of M.R. No.4/5  
 M39 - Xerox copy of M.R. No.7/5  
 M40 - Xerox copy of M.R. No. 10/5  
 M41 - Xerox copy of M.R. No. 11/5  
 M42 - Xerox copy of M.R. No. 17/5  
 M43 - Xerox copy of M.R. No.22/5  
 M44 - Xerox copy of M.R. No.4/59  
 M45 - Xerox copy of M.R. No.04978  
 M46 - Xerox copy of M.R. No. 8/06216  
 M47 - Xerox copy of M.R. No.07188  
 M48 - Xerox copy of M.R. No.7/4427  
 M49 - Xerox copy of M.R. No. 15/06117  
 M50 - Xerox copy of M.R.No.9/06114  
 M51 - Xerox copy of M.R. No. 18/06114  
 M52 - Xerox copy of M.R. No.6/06115  
 M53 - Xerox copy of M.R. No. 18/06115  
 M54 - Xerox copy of M.R. No. 1/08511  
 M55 - Xerox copy of M.R. No.2/08511  
 M56 - Xerox copy of M.R. No.22/08511  
 M57 - Xerox copy of M.R. No. 13/08512  
 M58 - Xerox copy of M.R. No.23/08512  
 M59 - Xerox copy of M.R. No. 10/08513  
 M60 - Xerox copy of M.R. No. 15/20861  
 M61 - Xerox copy of M.R. No. 18/20861  
 M62 - Xerox copy of M.R. No. 12/20862  
 M63 - Xerox copy of M.R. No. 11/20863  
 M64 - Xerox copy of M.R. No. 19/20863  
 M65 - Xerox copy of M.R. No. 11/20864  
 M66 - Xerox copy of M.R. No.09/20866  
 M67 - Xerox copy of M.R. No 03/20867  
 M68 - Xerox copy of M.R. No. 14/20867  
 M69 - Xerox copy of M.R. No.02/20868  
 M70 - Xerox copy of M.R. No. 12/20869  
 M71 - Xerox copy of M.R. No.06/21253

M72 - Xerox copy of M.R. No. 13/27  
 M73 - Xerox copy of M.R. No. 19/29  
 M74 - Xerox copy of M.R. No. 4/29  
 M75 - Xerox copy of M.R. No.20/29

नई दिल्ली, 21 मई, 2002

**का.आ.1981.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 716/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/137/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O.1981.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 716/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/137/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE No.715/2001

(Tamil Nadu Principal Labour Court CGID No.  
 366/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri P. Panneer Selvam and the Management of Telecommunications, Kancheepuram Dist. Chennai.)

BETWEEN

Sri P. Panneer Selvam : I Party/Workman

AND

The General Manager, : II Party/Management  
 Telecommunications,  
 Kancheepuram Dist., Chennai.

**Appearance:—**

For the Workman : M/s. M.Gnanasekaran, C.  
Premavathy, Advocates

For the Management : Sri K. Sambasivam, Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/137/99/IR(DU) dated 29-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 366/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 716/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 17-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following:—

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri P. Panneer Selvam, Casual Mazdoor is legal and justified? If not, to what relief, is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri P. Panneer Selvam (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6 50 as daily rated wages. Though the Petitioner has been continuously working with the

Respondent, and has put in 1474 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status he was informed that he will be taken back to duty. The petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1474 number of days of service and the alleged termination of the

Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of 91 days. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the

evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri P. Pameer Selvam, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?"

Point : —

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near



their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them

from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion

of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the respondent/Department would have been granted them temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period as and when required and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service

certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases as it Respondent/Management contend. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### **Common Witnesses Examined:—**

##### **For the I Party/Workmen:—**

W W 1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh.K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:—**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case

**Common Documents Marked:—****For the I Party/Workmen:—**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:-**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No.3/06114

M9 - Xerox copy of M.R. No.9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No.6/06115

M12 - Xerox copy of M.R.No.5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No.7/4427

M17 - Xerox copy of M.R. No.4/4431

M18 - Xerox copy of M.R. No. 13/15948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No.21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No.23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No.03/20867

M30 - Xerox copy of M.R. No.02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No.23/20869

M34 - Xerox copy of M.R. No.20/04631

M35 - Xerox copy of M.R. No.24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No.4/5

M39 - Xerox copy of M.R. No.7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No.22/5

M44 - Xerox copy of M.R. No.4/59

M45 - Xerox copy of M.R. No.04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No.07188

M48 - Xerox copy of M.R. No.7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R.No.9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No.6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No.2/08511

M56 - Xerox copy of M.R. No.22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No.23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No.09/20866

M67 - Xerox copy of M.R. No.03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No.02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No.06/21253

M72 - Xerox copy of M.R. No. 13/27

M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No.20/29

नई दिल्ली, 21 मई, 2002

का.आ. 1982.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.एच.ई.पी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट (संदर्भ संख्या 189/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-42011/13/98-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1982.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 189/98) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of S.H.E.P. and their workman, which was received by the Central Government on 21-5-2002

[No. L-42011/13/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

Before Shri S.M. Goel, Presiding Officer, Central Govt. Industrial Tribunal-cum-Labour Court, Chandigarh.

Case No. ID 189/98

The General Secretary,  
Salal Workers Union, Jyotipuram,  
G. 183, P.O. Talwara, Reasi (J&K) 192312

..... Applicant.

Vs.

The Chief Engineer,  
Salal Hydroelectric Project,  
Jyotipuram, Via  
Reasi (J&K) 192312.

..... Respondent

## REPRESENTATIVE :

For the workman : Shri Munish Chander &  
Shri Y.P. Singla.

For the management : Shri V.K. Gupta.

## AWARD

(Passed on 6-5-2002)

The Central Govt. Ministry of Labour vide Notification No. L-42011/13/98/IR (DU) dated 10th September 1998 has referred the following dispute to this Tribunal for adjudication :

“Whether the action of the management of S.H.E.P. Jyotipuram represented by Chief Engineer in not converting the services of Smt. Vijay Laxmi, from daily wages to workcharge cadre is legal and justified? If not, to what relief the workman is entitled to?”

2. In the claim Statement the applicant has pleaded that she is the wife of Sher Singh Mechanic Token No. C. 98 who was an employee of the Respondent and he expired on 9-1-1986 during the course of employment. She was employed on compassionate ground on daily wage basis w.e.f. 1-4-1987. She is working with the management from that date but she was not converted into work charge establishment even though there is a policy framed by the management that the daily rated employee after completion of 1-1/2 years service is entitled for being brought into workcharge cadre and is also entitled for difference pay scale according to the policy of the project. The applicant is eligible to the scale Rs. 260-400 (pre revised) w.e.f. 1-10-88 in workcharge cadre as she has not been converted into workcharge cadre, she is claiming the above scale with full back wages and other benefits.

3. In written statement the management admitted that her husband was employee of the project and he died on 9-1-1986 and his wife applied for the compassionate appointment and she was never appointed on 1-4-87 in Salal Project. She was given appointment in Salal Project in Cooperative Store which is being run by share holders and not by the management. It is also

stated that all the daily rated employees of the project were converted into the workcharge and at present no one is working on daily wages basis. Smt. Vijay Laxmi was never appointed in the Salal Project so she has no claim and the reference be rejected.

4. Replication was also filed by the Union reiterating the claim made in the claim petition.

5. In evidence the applicant filed her affidavit as W1. She also relied on document Ex. W2 to W10. The management in rebuttal examined as many as three witnesses. Suresh Kumar filed his affidavit as Ex. M1. He also relied on document Ex. M2 to M11. He has admitted in cross-examination that she was appointed by the Deputy Manager Personnel Admn. of Salal Project. The management also examined Parshotam Singh as MW2. He admitted in cross-examination he has admitted that six employees of the project have been working in the consumer store and their salary is paid by the management. The Head of the project is ex-officio president of consumer store. He also admitted that the management transport the consumer goods from market to the store in the vehicle of the management. The management also produced MW3 Sanjay Kumar Singh who was working as Asstt. Accounts Officer in SHEP.

6. Both the parties have filed their written arguments in this case and chose not to address any oral arguments. I have gone through the written arguments and evidence and record of the case. Ex. W2 is the appointment letter dated 1-4-1987 issued by Mr. J.G. Lal, Deputy Manager (P&A) by which the applicant was appointed on daily wage basis @Rs. 15/- per day w.e.f. 1-4-1987 as sales girl in the Salal Project Cooperative Store on compassionate ground. It is sanction of the appointment of the applicant from the Salal Project. Ex. W8 is the application of the applicant to the General Manager Salal Project for job in the project on compassionate ground on the death of her husband, which goes to show that she applied to the General Manager Salal Project for job on compassionate ground and vide Ex. W2 she was appointed in the Cooperative Store as sales girl by the General Manager Salal Project. Ex. M11 is the letter dated 21-5-1987 vide which the applicant was allowed to be accommodated in the Govt. house allotted to her brother and by order of the Secretary House allotment committee she was allowed

accommodation with her brother on compassionate grounds. All these documents goes to show the intention that the applicant was the employee of the project from the very beginning as she was appointed by the Deputy Manager (P&A) of the Project. She was not the employee of the Cooperative Store as she was not appointed by any office bearer of the Store. Now it is not correct to say that the project has nothing to do with her services and she is not the employee of the project. She was allowed accommodation of the project by the order of the Secretary House allotment committee. If she was not their employee, then there was no such accommodation & available for the outsiders. More over she was appointed on compassionate ground on daily wage basis by the Deputy Manager of the Project and at this stage the project can not shirk its responsibility by denying that she is not the employee of the Project. These documents are sufficient evidence to prove that she is the employee of the Project, and I must hold that from the very beginning she is the employee of the project.

7. Since the applicant was appointed on daily wage basis on compassionate ground on the death of her husband and she has completed 1-1/2 years of service on 1-10-1988 and as per policy framed by the project which are Ex. W3 and W4, the applicant is entitled for scale wages as per policy. It is admitted by the witness of the management that six other persons are working in the project who are the employees of the project are also working in this cooperative store. Thus I have no hesitation in holding that the applicant being the employee of the project is also covered under the policy Ex. W3 and W4 and is entitled for the scale wages w.e.f. 1-10-1988.

8. In view of the discussions made in the earlier paras, it is held that applicant is the employee of the Salal Project and covered under the policy Ex. W3 and W4 and is also entitled to the scale wages w.e.f. 1-10-1988 after putting 1-1/2 years of service from the management. Reference is answered accordingly. Central Govt. be informed.

Chandigarh  
6-5-2002

S.M. GOEL, Presiding Officer

नई दिल्ली, 21 मई, 2002

**का. आ. 1983.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफ. टी. आई. आई. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण / श्रम न्यायालय पुणे के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-42011/25/94-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1983.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal/Labour Court Pune as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of F.T.I.I. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-42011/25/94-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE J. L. DESHPANDE, INDUSTRIAL  
TRIBUNAL, AT PUNE

Reference (IT) No. 23/1996.

#### BETWEEN

The Director,  
Film & T. V. Institute  
Law College Road,  
PUNE : 411004

FIRST PARTY

#### AND

The Workmen  
In the matter of

SECOND PARTY  
: Demands regarding the  
benefits of D.A. Bonus,  
Annual Increment etc. to the  
employees of the canteen of  
F.T.I.I.

#### APPEARANCES :—

Shri V.R. Kulkarni,  
advocate for the First party.  
Shri A.Y. Shikarkhane,  
Advocate for the Second  
Party.

#### AWARD

This is a reference made by the Central Government under Section 10 (1) (d) of the Industrial Disputes Act, 1947 pertaining to certain demands made by the workmen who claimed to be employees of Film and Television Institute of India, Pune (hereinafter the workmen are referred to as the 'Second Party, and the Film & Television Institute—First party is only referred to as 'Institute').

2. The Institute is teaching and training the institute registered under Societies Registration Act. It imparts education and training to the students and basic object of

the Institute is to teach and educate the students on various aspects of film making and television production. The Institute is also Research Institute. It is autonomous body and fully controlled and funded by the Central Govt. It is having its own building in the premises at Prabhat road, Pune.

3. The Institute runs canteen in its premises since the year 1980. It caters the need of the employees as well as its students of the Institute. The canteen was registered with the Director of Canteen, New Delhi under Registration No. C-76-D—dated 28-8-86. The registration was continued upto the year 1989. However, there was no further renewal.

4. According to the Second Party-workmen, who are six in number they were appointed by the Institute and they were getting the pay and allowance as per the prescribed pay-scale. the Institute used to bear the financial burden of the pay and allowances of the canteen employees to the extent of 70% and remaining 30% used to be raised from the counter-sale. However, from the year 1990 practice of giving of subsidy was discontinued and the Institute stopped making payment of allowances and did not treat them at par with the other employees of the Institute. The Institute had applied to the Provident Fund commissioner for coverage for the employees working in Canteen but, the contribution was not paid and further the application was withdrawn. Thus the six employees of the canteen claimed that the Institute has not given them benefits of D.A., Bonus, Annual Increment, Earned Leave etc. w.e.f. January, 1991 which benefits have been given by the Institute to its other employees.

5. For the aforesaid demand, the workmen raised the dispute before the Competent Authority of the Central Govt.

6. Vide order dated 26-8-96, Central Govt., made a reference U/s. 10 (1) (d) of the Industrial Dispute Act to this Court for the adjudication of the following two demands mentioned in the schedule :—

“Whether the demand of the workmen of FTII canteen that they should be granted status and various benefits available to employees of F. T. I. I. is justified?

1. Shri A.N. Randhava, 2. Shri. B.N. Karadkar, 3. Shri Ramesh Adole, 4. Shri. Shankar Tejbije, 5. Shri. Babu Vetal, 6. Shri Ravindra Pawar.

“Whether the action of management in relation to F.T.I.I. canteen in withdrawing customary benefits like D.A., Bonus, annual increments, earned leave etc. w.e.f. Jan. 1991 from its workmen is justified and lawful? If not, what is the relief to which the workmen are entitled to?”

7. Responding to the notice, the Second Party-workmen appeared and filed its Statement of Claim at Exhibit U-8. They re-iterated their demands by filing the signed statement of Claim.

8. The Institute opposed the demand by filing the Written Statement at Exhibit-7. According to the Institute it is not an 'Industry' under Section 2 (j) of the Industrial Disputes Act. It is teaching and training institute and therefore, there is no profit earning motive behind the activity of the Institute. It being not Industry, the reference is not maintainable. The additional ground taken by the Institute is that the Central Govt. should not have referred the demands to the Tribunal established by the State Govt. According to the Institute the workmen are not the employees of the Institute and they are employees of the Contractors. Thus, there is no employer-employee relationship between the Institute and the workmen.

9. The Institute admits that the canteen was initially registered with the Director of Canteen, Govt. of India but, it has taken stand that there was misunderstanding on the part of the officers of the Institute and the canteen was for some time treated as Departmental Canteen. However, the Institute constituted a committee to go into this question and the Committee submitted report that the Institute was not office of the Govt. and the canteen was not departmental canteen. Therefore, the practice of giving 70% subsidy for payment of salary of the canteen employees was stopped from January, 1991. Thus, denying the relationship of employer-employee, the Institute has taken stand that the workmen are not its 'employees' and they are not entitled to the pay and allowances and other facilities at par with the employees of the Institute.

10. On these pleadings, my learned predecessor framed issues at Exhibit 0-1.

11. Issue of justifiability of demand was added which was also part of the demand referred to this Court for adjudication. Parties filed pursis at Exhibit U-22 and C-30 not to lead further evidence.

12. Both the sides have led oral as well as documentary evidence and filed written arguments.

13. The issues with their findings for the reasons given thereof are as follows :-

ISSUES	FINDINGS
(1) Whether the First party prove that the First party is not Industry & appropriate Govt. is Central Govt.	.....No
(2) Whether the Second party prove that the canteen in question is connected with First Party & departmental canteen?	..... Yes.
(3) Whether the demands made by the Second Party workmen which are under reference are justifiable?	.....Yes.
(4) What award ?	.....Reference allowed.

14. REASONS.

The Institute has taken stand that it is autonomous body registered under Societies Registration Act and it is not an 'Industry'— From the pleading as well as from the oral evidence, it is seen that the Institute came to be registered under Societies Registration Act on 1-10-1974. Formerly, it was wing of the Central Govt. According to the Institute, its principle activity is to impart training to the candidates and educate the students on various aspects of film making and television. There is no profit-earning motive. Thus, it indulges in patterns of teaching in all branches of film and television to raise the standard of film and television education in India. I am told that the Institute also makes endeavour to raise technical standards of Indian films and T.V. programmes for making them more satisfied and acceptable to the viewers at large. It works on fresh ideas and new technics in the Cinema and T.V. Thus, it supplies man-power for the growing needs of the film industry and T.V. Industry.

15. Harping upon these objectives of the Institute, it was submitted by the learned Advocate for the First Party Institute that, it is not Industry within the meaning of Section 2 (j) of the Industrial Disputes Act. As against this, it was submitted by the learned Advocate for the workmen that the Institute not only impart training to the students and the candidates but, it also gives on rent its auditorium, machines and infra structure and earn profit though in small scale from such activities. In this respect he made reference to the statement which appear in para 8 of the deposition of Exhibit CW-1-Rairikar, who is Administrative Officer of the Institute. Therefore, he stated that the Institute gives on rent their studio if the dates are vacant and that is additional source of income. He further stated that the Institute gives on rent the equipments and machinery required for shooting. On going through the income and expenditure account of the Institute (Exhibit C-27) Schedule 9, it is seen that there are certain entries at income side which show that the University gets certain amount as income besides grant-in-aid. The outside Producer's receipts as shown in the balance-sheet for the said financial year are Rs. 5,67,975/-. I need not dwell deep into the financial aspect of the Institute but, I have made reference to the income and expenditure statement to show that the entries therein read alongwith the statement of Exhibit CW—1- Shri. Rairikar substantiate the contention of the learned Advocate for the workmen that the Institute gets some income by way of profit from the other activities.

16. In my view, the question of getting income or profit from any other source is not very much material though that component appears to be present in the present case. His discussion on this vexed question would obviously begin by making a reference often quoted Supreme Court decision on this point in the case of BANGALORE WATER SUPPLIERS & SEWERAGE BOARD Vs. RAJAPPA & OTHERS. (A.I.R. -1978 S.C.-548) (1978 LAB I.C.-467). Before making reference to the test laid

down by the Supreme Court in above referred case, it would be useful to first refer to the definition of 'Industry' as given in Section 2(j) of the Industrial Disputes Act : "2(j) 'Industry' means any business, trade, undertaking, manufacture or calling of employers and includes any calling, service, employment, handicraft, or industrial occupation or avocation of workman."

17. Turning to the test as laid down by the Supreme Court, there are three prominent tests—(i) Systematic activity, (ii) Organised by co-operation between employer and employee, (iii) for the production and/or distribution of goods and services calculated to satisfy human wants and wishes. It is also made clear by the Supreme Court that, while determining whether particular establishment is 'Industry' or not, absence of profit motive or gainful objective is irrelevant, be the venture in the public, joint, private or other sector. The true focus is functional and the decisive test is the nature of the activity with special emphasis on the employer-employee relations.

On laying down these tests, and on considering various activities of different clubs, educational Institutions, Co-operative and Research Institutes, it was observed that, if they fulfil the triple test listed above, they cannot be exempted from the scope of Section 2(j) of the Act. The discussion which is relevant in the present context appears from p-112 onwards of the reported judgement. Supreme Court categorised the University as Industry. However, it explain that the teaching staff or the staff doing research would not be workmen because University is Industry but, the other wings of the University and the work force which man such wings would be workmen and to their extent the University would be an Industry.

18. No doubt in the present case, the Institute imparts training and education to the graduates and post graduates to develop their learning in the matter of film and T.V. production. Thus, it is part of activity which relates to art and culture. Still then, in different sense, it is not beyond and besides the human wants. This is so because cinema and T.V. has become integral part of human life. Thus, the activity ultimately satisfy and work in direction of satisfaction of human want.

Can it be said that the Institute is not an 'Industry' merely because it is not established with profit motive. In my view if the other activity and the predominant nature of the services rendered by the Institute is considered, it would run contrary to the spirit of Bangalore Water's case (referred supra).

19. Still then, the learned Advocate for the Institute submitted that the Institute indulges in educational activity and it is at par with Research Institute and should be exempted from the definition of 'Industry' as given in Section 2(j) of the Act. He relied upon Supreme Court decision is the case of **Physical Research Laboratory Vs. K.C. Sharma** (1997 (I) C.L.R.-1116). In that case, the question was whether physical Research Laboratory was Industry within the meaning of Section 2(j) of the Industrial Disputes Act. It was held that the Laboratory

was not 'Industry'. On going through the facts of the case, it is seen that the Laboratory was a Institution under the Government of India's Deptt. of space. It was engaged in pure research in space science. The purpose of research was to acquire knowledge about the formation and evolution of the Universe but, the knowledge thus acquired for not intended for self. Obviously, entire activity was restricted to research in space science. The case is clearly distinguishable because the knowledge so acquired was not marketable whereas, commerce is one of object, though not sole, in getting knowledge in the field of film and T.V. through medium of Indistitute. The Institute has pointed out above also indulge into certain other activities which yield income, though in small major. Thus, P.R.S.'s case and principle laid down therein are not applicable to the present case. On the contrary, the observations in Bangalore Water Supplies case and test laid down therein, are satisfied by the material produced on record. As a corollary of this, I hold that the Institute is an 'Industry' within the meaning of Section 2(j) of the Industrial Disputes Act.

20. It is also the stand taken by the First Party Institute that the reference to the Industrial Court established by the State Govt. is not maintainable because the reference has been made by the Central Govt. It is the stand of the First Party that the Institute was established by the Central Govt. and subsequently it was registered under the Societies Registration Act, 1960 and since "1974 it is working as autonomous body. However, in the written Statement para 5, it is averred that the Institute is autonomous body and it is fully controlled by the Central Govt. for the purpose of all policy matters, administration, finance and all other such matters. It is further averred that, it is 'controlled industry' under the provisions of the Industrial Disputes Act and it is controlled by the Central Govt. Further, process to state that the appropriate authority for adjudication of the dispute is not Industrial Court which is creator of the State Govt. but, it is the Central Govt. alone. Therefore, this matter should have been referred to the Central Tribunal and not to the State Tribunal. On going through the rules of the First Party Institute which are at Exhibit C-21, it is seen that, there is governing counsel of the Institute and President of the Institute shall act as Chairman of the Counsel. The President is to be moninated by the Central Govt. Members of the Institute are Jt. Secretary in the Ministry of Information and Broad Casting, Govt. of India, Director General, Doordarshan Jt. Secretary, Finance and certain other office-bearers of the Institute which are either run or controlled by the Central Govt. No elucidation on this point is required because in the Written Statement itself, the First Party has admitted that, it is fully controlled by the Central Govt. In this context, I may refer to Section 10(1)(i) of the



Industrial Disputes Act which is 3rd proviso to sub-section 1 of Section 10, which reads as follows:—

"Provided also that where the dispute in relation to which the Central Government is the appropriate Government, it shall be competent for that Government to refer the dispute to a Labour Court or an Industrial Tribunal, as the case may be, constituted by the State Government." Thus, even if the Institute is run or controlled or managed by the Central Govt., by virtue of the above stated provision. It is competent to refer the dispute to industrial Court constituted by the State Govt. It is not required to refer the same to Central Government. From this stand point and having regard to the provisions contained in Section 10(1)(i); I hold that the reference made by the Central Govt. to this Tribunal is perfectly valid and maintainable.

**21. ISSUE NO. 2 :—**

The Institute has its own building in the premises at Prabhat Road. Formerly, it was one of the Deptt. of Central Govt. but, in the year 1974 it was registered under Societies Registration Act and became autonomous body. The canteen in question is being run even prior to 1.10.1974 and this fact is admitted by the witness examined by the Institute. The Canteen in question was registered with the department of canteen. There is xerox copy of Registration Certificate at Exhibit U-15, which reveal that the canteen was registered and given No. C-76. The registration was for the period 1986-87 to 1988-89. After 1989 there is no renewal of registration. Fact remains that, once it was registered with the Department of Canteen under Registration Act No. C-76.

22. The second Party workman have examined one Shri Randhave who is Manager of the Canteen. According to him, he was employed in the canteen and he had filed application in response to the advertisement, copy of which is at Exhibit U-13. From the contents of the paper cutting, it is seen that the applications were called by the Hon. Secretary of Departmental Canteen of the First Party Institute. Copy of the appointment order of Shri. Randhave is at Exhibit U-14 which was issued by the Hon. Secretary of the Department Canteen. Under this a appointment order Shri. Randhave was appointed as Canteen Manager, w.e.f. 1-11-1981 under particular scale. Copy of the appointment order was marked to Administrative Officer, Account's Officer and Establishment Branch. Title of the appointment order is Film and T.V. Institute of India (Departmental Canteen). Shri Randhave further stated that, when he joined as Canteen Manager that time Shri. B.N. Karadkar (workman No. 2), Shri, Ramesh Adole (workman No. 3), Shri. Shankar Tejbije (workman No.4 ), Shri Bapu Vatal (workman No. 5) were also working in the Canteen. Shri. Karadkar was Coupen Clerk, Shri. R. Adole was Halwai/Cook, Shri. S.Tejbije was bearer and Shri Vetal was also bearer in the canteen. Shri Randhave also stated that Shri Pawar workman No. 6 joined the Canteen in the year 1984 as bearer. In the Cross-

Examination there is no denial to this part of the evidence and it is not suggested to him that these workman never worked at the canteen and they were not appointed prior to Shri Randhave. In the written Statement also there is no denial to that effect. On the contrary, in the written Statement para 9 (i), it is averred that from 1984 to 1989 all these workers were given some amount by way of subsidy towards allowances etc. by the Managing Committee of the Institute but, these persons were never treated at par with the employees of the Institute. This statement shows that the Institute does not dispute the fact that the six workman who are involved in the reference had worked at the Canteen.

23. According to the workmen, they were getting subsidy to the extent of 70% but, suddenly from the year 1990 the subsidy was discontinued. Till then, these workman were getting wages and allowances as prescribed by wage-scale. In his evidence Shri. Randhave stated that, the Institute used to issue cheques for sum equivalent to 70% of the gross amount and they used to get remaining 30% from the amount deposited with the Bank from Counter side. They used to get 70% of the salary towards the subsidy and from 1990 to 1992 they got sum of Rs. 9,416/- p.m. According to him, Professional Tax as well as E.P.F. is deducted from their salary. The Institute has produced Audit Reports for the financial year 1999-2000 at Ext. C-26 and 2000-2001 at Exhibit C-27. From the entries therein, it is seen that in both these years Institute had paid sum of Rs. 1,12,992/- towards subsidy to Canteen. If divided by 12 it comes to Rs. 9,416/- which justify the figure of monthly subsidy given by Shri Randhave in his evidence. Thus, 70% of the expenses were directly borne by the Institute by making payment towards subsidy to the canteen and the rest of the amount was raised from the counter-sale. In context, it should be noted that the Institute does not insist on the account of the amount of the subsidy paid to the Canteen. Manager is not required to produce bill or voucher to get the amount of the subsidy. This has come in the evidence of Account's Officer examined by the Institute. It has further come in the evidence of Ms. Gloria Koshi (UW-2) who is Hon. Secretary of the Canteen Committee that, object of the subsidy used to give financial support to the canteen. I have high-lighted these facts to show that, major part of the finance to run the canteen comes from the Institute and the rest is raised from the counter-sale. It does not come from any Third Party agency. The above stated perfects Militates against the contention in the Written Statement para 9(f) where it is stated that, Managing Committee runs the canteen by engaging the services of the private contractor and the contractor used to employ person as per his requirement. It is further averred in para 9 (h) that the Contractor used to appoint perons as per his requirement and remove them whenever their services were not required. Thus, in the Written

Statement, attempt is made to show that the canteen is being run through the Contractor which engages employees of his choice. As if these averments were not sufficient, it is further averred in para 9 (j) that 70% of the wage bill used to be adjusted from the Account of the Contractor which was in the form of subsidy but, the name was discontinued w e f 1991. As I have just now pointed out the practice of giving subsidy is not discontinued and the recent audit report (referred supra) reveal that the Institute makes payment in sum of Rs. 1,12,992 towards subsidy. Apart from that, the two witnesses examined by the Institute have not uttered a single word about any agreement with the Contractor. They have not stated name of any Contractor. There is not a single piece of document on record to show that the Canteen was even run by any Contractor. On the contrary, witness examined by the Institute by name Shri Rainkar, Administrative Officer stated in para 2 of the evidence that the canteen is being managed by the Managing Committee of the canteen and members are from the Institute. He did not state that the Canteen is being run through Contractor. Thus, except the averments in the Written Statement, there is nothing on record that the canteen was ever or is being run by the Contractor. Obviously, the Institute resorted to false defence to show that it has no relation whatsoever with these workmen and they were engaged by Contractor.

24. On the contrary, there is oral evidence that the canteen is being run by the Committee called Managing Committee and members of the committee are from the Institute. In the year 1991 committee was appointed to take decision regarding the status of the canteen. Registrar, Chief Account's Officer and Asstt. Professor of the Institute were the members of the said Committee. Report of the committee is at Exhibit C-20. It considered the provisions in the Departmental Canteen Rules and found that the canteen in question was not Departmental Canteen. The committee observed that, under wrong impression it was registered as Departmental Canteen and under wrong impression application was made to the Provident Fund Commissioner. It was decided to withdraw the application. The said Committee appointed adhoc committee to run the canteen and Smt. Gloria Koshi (UW-2) was appointed as Canteen Supervisor. It appears that, she continued to work as Canteen Supervisor. The members of the Ad hoc committee were Asstt. Professor, Laboratory Assistant, Studio Asstt., and student representative of the Institute. Witness—Shri. Rainkar (CW-1) admitted that the members of the managing committee are from the Institute. Secretary of the Committee deals with the Institute. He further admits that the departmental canteen committee was constituted as per the Departmental Canteen Rules by the Director of Institute and he had worked as member of the Departmental Canteen Committee. It is further seen from the record that some employees who were working with

the canteen were continued even after ad hoc managing committee was appointed in the year 1991. There is no iota of evidence on record that, besides these six workmen who are involved in the reference, there were some other workmen who had worked with the canteen and they were engaged by Contractor or any other agency. I have already referred to evidence (Exh. UW-1)—Shri Randhave who stated that, he joined the canteen in the year 1981 and prior to him, 4 employees were already working there and 6th employee—Shri. Pawar Joined in the year 1984. This piece of evidence has not been rebutted by leading any contrary evidence and there is absolutely no material on record that, any other workman besides these 3 workmen involved in the referent had worked at the canteen. Naturally, inference will have to be drawn that, even after committee submitted its report taking view that, it was not departmental canteen; the same employees were continued. The practice of giving subsidy to the canteen was also continued. However, what was discontinued was payment of allowances, Bonus, Paid Leave and Increment. According to Shri Randhave, these facilities were stopped after 1990. I will come to that aspect little later but, suffice it to say that the control of the administration of the canteen is still in the hands of the Institute. The affairs of the canteen are being managed through the Managing Committee which consists of the Officers of the Institute. Thus, the affairs of the canteen are controlled and supervised by the Institute. Major part of the salary is being paid by the Institute by way of subsidy. No Third Party has any voice in the appointment or removal of the employees of the canteen. These facts if combinedly considered show that, there exists employer-employee relationship between the Institute and these workmen.

25. As pointed out above, formerly these workmen were being paid salary at particular scale and they were also paid Bonus, Increment and paid leave. The workmen used to contribute towards E.P.F., Professional Tax was being deducted from their salary. Not only that, Exh. CW-2, (Shri. Ramesh Kumar Rao—Accounts Officer) admitted that employees of the canteen (workmen in question) were given benefits of IVth Pay Commission but, added that, payment was made after increase in the subsidy. He further stated that the subsidy was increased by the Institute itself. However, after 1990 there was change and the facilities were discontinued. Witness—Shri. Ramesh kumar (CW-2) admitted that, no new service conditions were brought into existence; or conveyed to the employees of the canteen. Prior to that, he admitted that the canteen which was already running there was continued by the Institute. Perhaps he made the statement in the context of registration of the Institute under Societies Registration Act which even took place in the year, 1974. Any way, I have already point out that, even after the internal committee submitted its report (Exh. C-20), the

employees were not changed and the same employees were continued. There is no adverse evidence to that effect. However, customary benefits like D.A., Bonus, Annual Increment and Earned Leave etc. were withdrawn w.e.f. 1991.

26. Perhaps the Institute resorted to this Practice on the strength of the report (Exh C-20) submitted by the Internal Committee which found that Canteen in question was not departmental canteen. The report was principally based on the hypothesis that the Institute was not under obligation to provide canteen facilities to its employees. It made certain recommendations including formation and ad hoc committee to run canteen but the committee conveniently failed to make any suggestion regarding these workmen and their fate. The recommendations were made as if the workman had no concern with the Canteen. As pointed out above, these workmen were appointed by the Institute and they were working with the Canteen. They were given particular scale. They were provided with certain benefits and even payment of arrears of IVth Pay Commission was also made. Still then, suddenly these facilities were withdrawn without there being any suggestion to that effect in the committee report (Exh C-20) as well as without giving any notice of change to the workmen.

27. In this context, it would be useful to refer to Section 9A of the Industrial Disputes Act. It reads as follows —

“9-A Notice of change.—No employer, who purposes to effect any change in the conditions of service applicable to any workman in respect of any matter specified in the Fourth Schedule, shall effect such change :—

- (a) without giving to the workman likely to be affected by such change a notice in the prescribed manner of the nature of the change proposed to be effected; or
  - (b) within twenty-one days of giving such notice, Provided that no notice shall be required for effecting any such change
- Proviso (a), (b) (there not material).

28. Now turning to Schedule IV which is referred to in Section 9-A, it includes wages, compensation and other allowances, leave with wages and holidays, withdrawal in customary concession or privilege and contribution by the employer to any Provident Fund. So, the facilities which were discontinued or withdrawn were covered by Section 9A r/w Schedule IV of the Industrial Disputes Act. Still then, it was being done without giving notice of change under Section 9A of the Industrial Disputes Act. The change was unilateral resulting into stoppage of benefits of D.A., Bonus, Leave, Increment, etc. to the workmen of the Canteen from July, 1991. Thus, this change is illegal being in breach of Section 9A of the Industrial Disputes Act.

29. In order to substantiate his contention that the Institute is not employer of the workmen, involved in

this reference, learned advocate for the Institute has relied upon decision of Calcutta High Court in the case of DAMODAR VALLEY CORPORATION Vs. DAMODAR VALLEY CORPORATION CANTEEN WORKER'S UNION & [OTHERS 2001 (III) C L R.—851]. In that case, there were 20 persons working in the Canteen which was situated in the premises in which office of Damodar Valley Corpn. was housed. Damodar Valley Corporation used to grant monthly subsidy to run the Canteen. The workers of union filed writ petition before the Calcutta High Court to give direction to the D V C authorities to pay the scale applicable to the employees of non-statutory canteen as per the directives of the Govt. of India dt. 24-11-1986. The writ petition was allowed. D V.C. preferred appeal before the Division Bench. On making reference to certain Supreme Court decisions on this point, it was held in the writ appeal that the employees were not entitled to such declaration and judgement of the Single Judge was set aside. On going through the facts of the case, it was found that the employees of the canteen were engaged by the Co-operative Society. Admittedly, the Co-operative Society was controlling affairs of the canteen. It was wholly controlled and managed by the said Co-operative Society and its Board of Directors. The employees were appointed by the Co-operative Society. That is not the case here. The Canteen in question was never run by the Co-operative Society or Contractor. It was being run and it is being run by the Managing Committee. The Managing Committee consists of the Officers of the Institute. This is admitted by the Administrative Officer—Shri Rairikar (CW-1) in para 2 of his evidence which I have already adverted to. Witness examined by the workman by name Gloria Koshi (UW-2) was Supervisor of the Canteen, during the period 1989—98. From December, 2000 onwards she is Hon. Secretary of the Canteen. As pointed out above, 70% subsidy is given by the Institute to bear the financial burden of the expenses of the canteen. The Managing Committee has not appointed any workman involved in this reference but, they were already appointed by the Institute and the same appointment continued. There is practically no evidence that the Managing Committee of its own has taken disciplinary action against any of the employee of the Canteen. Thus, the Managing Committee has no independent existence of its own but, it acts only as intermediary or agency of the Institute. No doubt Managing Committee controls the affairs of the canteen and keeps supervision over the same. But, as pointed out above, it is not independent entity but committee formed from the Officers of the Institute besides students representative and thus, through the agency of the managing committee Institute holds control over the affairs of the canteen. That was not the position in the Damodar Valley Corporation case relied upon by the learned Advocate for the Institute and therefore, the case is clearly distinguishable.

30. Apart from that the matter before the Calcutta High Court in Damodar Valley Corporation case come under writ jurisdiction. That being the position, the question of employer-employee relationship which is basically a question of fact, could not be gone into. This can be seen from the concluding observation which appear in the judgement. While allowing the appeal their Lordship of the Calcutta High Court made it clear that it would be open to the writ petitioners (workers' union) if they are so advised, to approach the appropriate authority for a reference as an industrial dispute U/s. 10 (1) (d) of the Industrial Disputes Act. On going through the Supreme Court decisions, which have been referred to in Damodar Valley Corporation's case (referred supra), it is seen that, those Supreme Court decisions arose out of writ petitions preferred by the petitioners therein; By invoking doctrine of equality. No doubt it is one of the grievance of the worker involved in the present reference that, they have been discriminated by the Institute by not extending them benefits which are given to the employees of the Institute but, besides this, their principle contention is that, after 1991 and despite existence and continuation of employer-employee relationship and without any notice of change, the Institute stopped extending those facilities which were formerly given to them. It is not their case that it being departmental canteen, the workman are employees of the Institute but, their case is that, from the inception of the canteen and from their appointments they were employees of the Institute and no Third Party or agency had ever intervened in capacity of employer and without their being any change in employer-employee relationship, the facilities came to be withdrawn. As pointed out above, through the Managing Committee the Institute holds control over the affairs of the canteen and supervises its affairs. It has been recently held by Supreme Court in the case of HARI SHANKAR SHARMA & OTHERS Vs. M/S. ARTIFICIAL LIMBS MANUFACTURING CORPORATION & OTHERS (2002 (92) F.L.R.—14); that employees of the departmental canteen established under Section 46 of the Factories Act would be employees of the factory only for the purpose of Factories Act, but they would not be employees of establishment. In that case, contractor used to supervise and control employees of the canteen and pay their salary. I have referred to this authority to high-light the fact that the supervision and control over the affairs of the canteen is prominent test irrespective of the fact that, it is departmental canteen non-departmental (statutory) canteen, recognised canteen or non-statutory—non-recognised canteen. Such classification of the canteen has been made by the Supreme Court in the case of M.M.R. Khan & other Vs. Union of India and others (1990 (II) C.L.R.—261). But, I need not go into that aspect of the matter. Because in the present case, according to the workmen they were employed by the Institute, they were working with the canteen and till they are working with the canteen and

through the managing committee the Institute runs the canteen and thus, Institute is their employer. On making assessment of the oral as well as documentary evidence, I find that, there exists employer-employee relationship between the Institute on the one hand and the workmen on the other.

31. As held above, the facilities were unilaterally withdrawn by the Institute perhaps acting on the recommendation of the committee which was appointed to find out whether the canteen in question was departmental canteen. The Committee made recommendation that, it should not be treated as departmental canteen. What the committee failed to do was to make recommendation regarding the work force. Instead of making any recommendation, as regards their absorption, the committee made recommendation to terminate the services of the workmen. That is different question and the view of committee that, it is not departmental canteen also appears doubtful but, I refrain from going into that aspect of the matter. The point which I want to drive is that, such unilaterally withdrawal or facility and benefits to the workmen merely on the basis of advice of the committee appointed by the Institute itself was not the correct approach. As pointed out above, the workmen used to get the facilities and in fact, they were paid arrears of the IVth Pay Commission. Having made assessment of all the facts, I find that the demands made by the workmen are legal and proper.

32. As a corollary of the above discussion, I hold that the action of management in relation to the canteen in withdrawing the customary benefits like D.A., Bonus, Annual Increment, Earned Leave etc. w.e.f. January, 1991 is not justified and lawful and the workmen mentioned in the schedule in the reference are entitled to get the same. I further hold that the demands of the workmen that they should be granted status and various benefits available to the employees of the Institute is justifiable.

33. As a result of this, I record answers of both the questions under reference in favour of the workmen and further record findings on the issues framed in the reference in their favour and proceed to pass award as follows :

—: AWARD :—

(1) Reference is hereby allowed.

(2) The question referred to this Tribunal are answered in favour of the workmen by holding that the demand of the workmen of the Film and Television Institute of India Canteen that, they should be granted status and various benefits available to the employees of Film & Television Institute of India (First Party) is justified.

(3) It is further declared that the action of the management in relation to the Canteen in withdrawing customary benefits like D.A., Bonus, Annual Increment, Earned Leave etc. w.e.f. January, 1991 to the workmen— (1) Shri A.N. Randhava, (2) Shri. B. N. Haradkar, (3) Shri. Ramesh Adole, (4) Shri. Shankar Tejbije, (5) Shri.

Bapu Vetal and (6) Shri. Ravindra Pawar, is not lawful and justified and the workmen are entitled to get the Name from January, 1991.

(4) The First Party Institute is given Six Month time to execute the Award.

(5) No order as to cost

PUNE,

DATED : 2nd March, 2002

J.L. DESHPANDE, Industrial Tribunal

नई दिल्ली, 21 मई, 2002

**का.आ. 1984.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/चेन्नई के पंचाट (संदर्भ संख्या 713/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[ सं. एल-40012/139/99-आई.आर. (डी.यू.) ]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1984.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 713/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt and their workman, which was received by the Central Government on 21-5-2002

[No L-40012/139/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present: K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO.713/2001

(Tamil Nadu Principal Labour Court CGID No. 363/99 )

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri T Pichandi and the Management of Telecommunications, Kancheepuram Dist. Chennai )

#### BETWEEN

Sri T. Pichandi I Party/Workman

AND

The General Manager, II Party/Management  
Telecommunications,

Kancheepuram Dist, Chennai.

Appearance:-

For the Workman : M/s.M.Gnanasekaran,  
C.Premavathy, Advocates

For the Management : Sri K. Sambasivam, Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/139/99/IR(DU) dated 29-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D No 363/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D No. 713/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 17-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri T.Pichandi Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

2 The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri T.Pichandi (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 03-11-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1128 number of days of

service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, When his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. the Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefit including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 03-11-1984 and his contention about continuous working with the Respondent/Department for a period of 1128 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged

that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of less than 168 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989, and
4. There should not be a break for a period of more than one year

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K. Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D No. 11/2001, has been treated as a common evidence for this case and other similar

connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri T. Pichandi, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

Point : —

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status ma/doors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respon-

dent/Department WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and the/ have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent/Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that

he was appointed by the Respondent/Telcom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telcom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telcom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross-examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross-examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross-examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross-examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telcom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim

Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telcom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have been granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent /Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourers only for the short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates.



The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6 In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002 )

K KARTHIKEYAN, Presiding Officer

#### **Common Witnesses Examined:-**

##### **For the I Party/Workmen:-**

W W 1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W. W. 2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### **For the II Party/Management:-**

M W 1 - Sh. P. Chandrasekar (DE(Legal & Commercial) Examined in I.D. No. 11/2001 and has taken as Common evidence in this case

#### **Common Documents Marked:-**

##### **For the I Party/Workmen:-**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### **For the II Party/Management:-**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No.3/06114

M9 - Xerox copy of M.R. No.9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No.6/06115

M12 - Xerox copy of M.R. No.5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No.7/4427

M17 - Xerox copy of M.R. No.4/4431

M18 - Xerox copy of M.R. No. 13/15948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R.No. 9/06114  
 M51 - Xerox copy of M.R. No. 18/06114  
 M52 - Xerox copy of M.R. No. 6/06115  
 M53 - Xerox copy of M.R. No. 18/06115  
 M54 - Xerox copy of M.R. No. 1/08511  
 M55 - Xerox copy of M.R. No. 2/08511  
 M56 - Xerox copy of M.R. No. 22/08511  
 M57 - Xerox copy of M.R. No. 13/08512  
 M58 - Xerox copy of M.R. No. 23/08512  
 M59 - Xerox copy of M.R. No. 10/08513  
 M60 - Xerox copy of M.R. No. 15/20861  
 M61 - Xerox copy of M.R. No. 18/20861  
 M62 - Xerox copy of M.R. No. 12/20862  
 M63 - Xerox copy of M.R. No. 11/20863  
 M64 - Xerox copy of M.R. No. 19/20863  
 M65 - Xerox copy of M.R. No. 11/20864  
 M66 - Xerox copy of M.R. No. 09/20866  
 M67 - Xerox copy of M.R. No. 03/20867  
 M68 - Xerox copy of M.R. No. 14/20867  
 M69 - Xerox copy of M.R. No. 02/20868  
 M70 - Xerox copy of M.R. No. 12/20869  
 M71 - Xerox copy of M.R. No. 06/21253  
 M72 - Xerox copy of M.R. No. 13/27  
 M73 - Xerox copy of M.R. No. 19/29  
 M74 - Xerox copy of M.R. No. 4/29  
 M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का.आ. 1985.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में निम्नलिखित और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 724/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल. 40012/140/99 आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1985.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 724/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No L-40012/140/99 IR (DU)]

KUI DIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN, Presiding Officer  
 INDUSTRIAL DISPUTE NO.724/2001  
 (Tamil Nadu Principal Labour Court CGID  
 No. 374/997)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri M. Sundarsan and the Management of Telecommunications, Kancheepuram Dist. Chennai.)

#### BETWEEN

Sri M. Sundarsan : I Party/Workman

AND

The General Manager, : II Party/Management

Telecommunications,  
 Kancheepuram Dist, Chennai.

Appearances:

For the Workman : M/s M Gnanasekaran,  
 C.Premavathy, Advocates

For the Management : Sri K. Sambasivam, Addl.  
 C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No L-40012/140/99/IR(DU) dated 29-09-1999

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 374/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 724/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 18-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following. —

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services

of Shri M. Sundarsan. Casual Mazdoor is legal and justified? If not, to what relief, is he entitled?"

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri M. Sundarsan, (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-03-83 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs 6 50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1472 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f 25-06-1995 and, when his services were terminated he was getting Rs 60/- as daily wages. When he approached the concerned authority for conferment of temporary status he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telcom Department regarding his-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/ Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefit including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination

dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 1-3-1983 and his contention about continuous working with the Respondent/Department for a period of 1472 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of less than 240 days. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989, and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the

workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No. 156/2001, and Sri K. Mohan, Petitioner in I.D.No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri M. Sundarsan, Casual Mazdoor is legal and justified? If not, to what relief, is he entitled?”

Point : —

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their

respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1983 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the conten-

tion of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1983 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the

Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1983 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for short period as and when required and they were given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management Department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribu-

nal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contend it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So, under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6 In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined :—

##### For the I Party/Workmen:—

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management :—

M.W.1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D. No. 11/2001 and has taken as  
Common evidence in this case.

##### Common Documents Marked :—

##### For the I Party/Workmen :—

W1 Series (7) - Original service certificates issued in favour of Petitioners

W2 - Original Service Note Book

W3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners

##### For the II Party/Management :—

M1 - Xerox copy of the service certificate issued in favour of Petitioners

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No.19/04693

M7 - Xerox copy of M.R. No.18/04693

M8 - Xerox copy of M.R. No.3/06114

M9 - Xerox copy of M.R. No.9/06114

M10 - Xerox copy of M.R. No.18/06114

M11 - Xerox copy of M.R. No.6/06115

M12 - Xerox copy of M.R. No.5/06115  
M13 - Xerox copy of M.R. No.18/06115  
M14 - Xerox copy of M.R. No.1/08511  
M15 - Xerox copy of M.R. No.19/07289  
M16 - Xerox copy of M.R. No.7/4427  
M17 - Xerox copy of M.R. No.4/4431  
M18 - Xerox copy of M.R. No.13/15 948  
M19 - Xerox copy of M.R. No.15/06117  
M20 - Xerox copy of M.R. No.21/06119  
M21 - Xerox copy of M.R. No.13/08512  
M22 - Xerox copy of M.R. No.23/08512  
M23 - Xerox copy of M.R. No.10/08513  
M24 - Xerox copy of M.R. No.11/08514  
M25 - Xerox copy of M.R. No.15/20861  
M26 - Xerox copy of M.R. No.18/20861  
M27 - Xerox copy of M.R. No.12/20862  
M28 - Xerox copy of M.R. No.11/20863  
M29 - Xerox copy of M.R. No.03/20867  
M30 - Xerox copy of M.R. No.02/20868  
M31 - Xerox copy of M.R. No.13/20863  
M32 - Xerox copy of M.R. No.12/20869  
M33 - Xerox copy of M.R. No.23/20869  
M34 - Xerox copy of M.R. No.20/04631  
M35 - Xerox copy of M.R. No.24/2  
M36 - Xerox copy of M.R. No.12/4  
M37 - Xerox copy of M.R. No.14/4  
M38 - Xerox copy of M.R. No.4/5  
M39 - Xerox copy of M.R. No.7/5  
M40 - Xerox copy of M.R. No.10/5  
M41 - Xerox copy of M.R. No.11/5  
M42 - Xerox copy of M.R. No.17/5  
M43 - Xerox copy of M.R. No.22/5  
M44 - Xerox copy of M.R. No.4/59  
M45 - Xerox copy of M.R. No.04978  
M46 - Xerox copy of M.R. No.8/06216  
M47 - Xerox copy of M.R. No.07188  
M48 - Xerox copy of M.R. No.7/4427  
M49 - Xerox copy of M.R. No.15/06117  
M50 - Xerox copy of M.R. No.9/06114  
M51 - Xerox copy of M.R. No.18/06114  
M52 - Xerox copy of M.R. No.6/06115  
M53 - Xerox copy of M.R. No.18/06115  
M54 - Xerox copy of M.R. No.1/08511  
M55 - Xerox copy of M.R. No.2/08511  
M56 - Xerox copy of M.R. No.22/08511  
M57 - Xerox copy of M.R. No.13/08512  
M58 - Xerox copy of M.R. No.23/08512  
M59 - Xerox copy of M.R. No.10/08513  
M60 - Xerox copy of M.R. No.15/20861  
M61 - Xerox copy of M.R. No.18/20861  
M62 - Xerox copy of M.R. No.12/20862  
M63 - Xerox copy of M.R. No.11/20863  
M64 - Xerox copy of M.R. No.19/20863  
M65 - Xerox copy of M.R. No.11/20864  
M66 - Xerox copy of M.R. No.09/20866  
M67 - Xerox copy of M.R. No.03/20867  
M68 - Xerox copy of M.R. No.14/20867  
M69 - Xerox copy of M.R. No.02/20868  
M70 - Xerox copy of M.R. No.12/20869  
M71 - Xerox copy of M.R. No.06/21253  
M72 - Xerox copy of M.R. No.13/27  
M73 - Xerox copy of M.R. No.19/29  
M74 - Xerox copy of M.R. No.4/29  
M75 - Xerox copy of M.R. No.20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 1986.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 233/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/141/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1986.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No 233/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/141/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE No. 228/2001

(Tamil Nadu State Industrial Tribunal I.D No 245/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Velu and the management of the General Manager, Telecommunications, Kancheepuram, Dist. Chennai)

BETWEEN

Sri S Velu, I Party/Workman

AND

The General Manager, II Party/Management  
Telecommunications,  
Kancheepuram Dist, Chennai.

APPEARANCE

For the Workman M/s M.Gnanasekar,  
C. Premavathi &  
G. Manjula, Advocates  
For the Management Sri R. Kannappan  
Addl. CGSC

The Govt of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/141/99/IR(DU) dated 13.09.1999

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 245/99. When the matter was

pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 233/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 08.02.2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01.04.2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecom., Chengalpattu in terminating the services of Sh. S. Velu, casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

2 The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sh. S. Velu. (herein after refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 14-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1164 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-05-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised

for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-06-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 14-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1864 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers' who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in LD.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is -

"Whether the action of the General Manager, Telecom., Chengalpattu in terminating the services of Sh. S. Velu, casual mazdoor, is legal and justified? If not, to what relief, he is entitled?"

Point : -

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has



been conducted Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were

created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioner to claim that they were appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence

through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross-examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certifi-

cates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners was engaged by the department as Casual Labourers only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal

evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6 In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined:-

##### For the I Party/Workmen:-

W.W 1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management:-

M.W 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

#### Common Documents Marked:-

##### For the I Party/Workmen:-

W 1 Series (7) — Original service certificates issued in favour of Petitioners.

W 2 — Original Service Note Book.

W 3 Series (7) — Xerox copy of the service certificates issued in favour of Petitioners.

##### For the II Party/Management:-

M1 — Xerox copy of the service certificate issued in favour of Petitioners.

M2 — Xerox copy of M.R. No.05850

M3 — Xerox copy of M.R. No.05851

M4 — Xerox copy of M.R. No.07188

M5 — Xerox copy of M.R. No.07193

M6 — Xerox copy of M.R. No.19/04693

M7 — Xerox copy of M.R. No.18/04693

M8 — Xerox copy of M.R. No.3/06114

M9 — Xerox copy of M.R. No.9/06114

M10 — Xerox copy of M.R. No.18/06114

M11 — Xerox copy of M.R. No.6/06115

M12 — Xerox copy of M.R. No.5/06115

M13 — Xerox copy of M.R. No.18/06115

M14 — Xerox copy of M.R. No.1/08511

M15 — Xerox copy of M.R. No.19/07289

M16 — Xerox copy of M.R. No.7/4427

M17 — Xerox copy of M.R. No.4/4431

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— Xerox copy of M.R. No. 13/15 948

— Xerox copy of M.R. No. 15/06117

— Xerox copy of M.R. No.21/06119

— Xerox copy of M.R. No. 13/08512

— Xerox copy of M.R. No.23/08512

— Xerox copy of M.R. No. 10/08513

— Xerox copy of M.R. No. 11/08514

— Xerox copy of M.R. No. 15/20861

— Xerox copy of M.R. No. 18/20861

— Xerox copy of M.R. No. 12/20862

— Xerox copy of M.R. No. 11/20863

— Xerox copy of M.R. No.03/20867

— Xerox copy of M.R. No.02/20868

— Xerox copy of M.R. No. 13/20863

— Xerox copy of M.R. No. 12/20869

— Xerox copy of M.R. No.23/20869

— Xerox copy of M.R. No.20/04631

— Xerox copy of M.R. No.24/2

— Xerox copy of M.R. No. 12/4

— Xerox copy of M.R. No. 14/4

— Xerox copy of M.R. No.4/5

— Xerox copy of M.R. No.7/5

— Xerox copy of M.R. No. 10/5

— Xerox copy of M.R. No. 11/5

— Xerox copy of M.R. No. 17/5

— Xerox copy of M.R. No.22/5

— Xerox copy of M.R. No.4/59

— Xerox copy of M.R. No.04978

— Xerox copy of M.R. No. 8/06216

— Xerox copy of M.R. No.07188

— Xerox copy of M.R. No.7/4427

— Xerox copy of M.R. No. 15/06117

— Xerox copy of M.R.No.9/06114

— Xerox copy of M.R. No. 18/06114

— Xerox copy of M.R. No.6/06115

— Xerox copy of M.R. No. 18/06115

— Xerox copy of M.R. No. 1/08511

— Xerox copy of M.R. No.2/08511

— Xerox copy of M.R. No.22/08511

— Xerox copy of M.R. No. 13/08512

— Xerox copy of M.R. No.23/08512

— Xerox copy of M.R. No. 10/08513

— Xerox copy of M.R. No. 15/20861

— Xerox copy of M.R. No. 18/20861

— Xerox copy of M.R. No. 12/20862

— Xerox copy of M.R. No. 11/20863

— Xerox copy of M.R. No. 19/20863

— Xerox copy of M.R. No. 11/20864

— Xerox copy of M.R. No.09/20866

— Xerox copy of M.R. No.03/20867

— Xerox copy of M.R. No. 14/20867

— Xerox copy of M.R. No.02/20868

— Xerox copy of M.R. No. 12/20869

— Xerox copy of M.R. No.06/21253

— Xerox copy of M.R. No. 13/27

— Xerox copy of M.R. No. 19/29

M74 — Xerox copy of M.R. No. 4/29  
 M75 — Xerox copy of M R No.20/29  
 नई दिल्ली, 21 मई, 2002

**का. आ. 1987.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 718/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/142/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1987.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 718/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the Management of Telecom. Deptt and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/142/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL  
 TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K KARTHIKEYAN, Presiding Officer  
 INDUSTRIAL DISPUTE No. 718/2001

(Tamil Nadu Principal Labour Court CGID No. 368/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri M Jayapal and the Management of Telecommunications, Kancheepuram Distt., Chennai.)

BETWEEN

Sri M. Jayapal I Party/Workman

AND

The General Manager, II Party/Management  
 Telecommunications,  
 Kancheepuram Distt., Chennai

**Appearance:-**

For the Workman M/s.M Gnanasekaran,  
 C Premavathy,  
 Advocates

For the Management Sri K. Sambasivam  
 Addl C G S C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/142/99/IR(DU) dated 29-09-1999

This reference has been made earlier to the Tamil

Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 368/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 718/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 18-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the demand of the workman Shri M. Jayapal for reinstatement by the General Manager, Telecommunications, Chengalpattu as Casual Mazdoor is legal and justified? If Not, to what relief is he entitled?”

2. The facts of the Industrial Dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri M. Jayapal (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-01-1979 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1982 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement.

taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-06-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-01-79 and his contention about continuous working with the Respondent/Department for a period of 132 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of 135 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and

4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No. 156/2001, and Sri K. Mohan, Petitioner in I.D.No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments

5. The Point for my consideration is—

"Whether the action of the workman Shri M. Jayapal for reinstatement by the General Manager, Telecommunications, Chengalpattu as Casual Mazdoor, is legal and justified? If not, to what relief, he is entitled?"

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements

that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1970 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is as initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these

Petitioners as issued by the officials of the Respondent/ Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/ Department from 1979 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex. M2 to M75 original muster rolls in the cross examination of WW 1 and WW 2 and through the common evidence of MW 1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW 1 and WW 2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/ Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/ Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/ Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and

evidence, it is clearly established by the Respondent/ Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/ Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/ Department. From the evidence available in these cases, it is abundantly proved by the Respondent/ Department that these Petitioners have not worked continuously from 1979 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/ Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/ Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/ Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent Management contends

it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6 In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined :—**

**For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:—**

M.W.1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]

Examined in I.D.No. 11/2001 and has taken as

Common evidence in this case.

**Common Documents Marked:—**

**For the I Party/Workmen:—**

W 1 Series (7) — Original service certificates issued in favour of Petitioners.

W 2 — Original Service Note Book.

W 3 Series (7) — Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M1 — Xerox copy of the service certificate issued in favour of Petitioners

M2 — Xerox copy of M.R. No.05850

M3 — Xerox copy of M.R. No.05851

M4 — Xerox copy of M.R. No.07188

M5 — Xerox copy of M.R. No.07193

M6 — Xerox copy of M.R. No. 19/04693

M7	—	Xerox copy of M.R. No. 18/04693
M8	—	Xerox copy of M.R. No.3/06114
M9	—	Xerox copy of M.R. No. 9/06114
M10	—	Xerox copy of M.R. No. 18/06114
M11	—	Xerox copy of M.R.No. 6/06115
M12	—	Xerox copy of M.R.No. 5/06115
M13	—	Xerox copy of M.R. No. 18/06115
M14	—	Xerox copy of M.R. No. 1/08511
M15	—	Xerox copy of M.R. No. 19/07289
M16	—	Xerox copy of M.R. No. 7/4427
M17	—	Xerox copy of M.R. No. 4/4431
M18	—	Xerox copy of M.R. No. 13/15 948
M19	—	Xerox copy of M.R. No. 15/06117
M20	—	Xerox copy of M.R. No. 21/06119
M21	—	Xerox copy of M.R. No. 13/08512
M22	—	Xerox copy of M.R. No. 23/08512
M23	—	Xerox copy of M.R. No. 10/08513
M24	—	Xerox copy of M.R. No. 11/08514
M25	—	Xerox copy of M.R. No. 15/20861
M26	—	Xerox copy of M.R. No. 18/20861
M27	—	Xerox copy of M.R. No. 12/20862
M28	—	Xerox copy of M.R. No. 11/20863
M29	—	Xerox copy of M.R. No. 03/20867
M30	—	Xerox copy of M.R. No. 02/20868
M31	—	Xerox copy of M.R. No. 13/20863
M32	—	Xerox copy of M.R. No. 12/20869
M33	—	Xerox copy of M.R. No. 23/20869
M34	—	Xerox copy of M.R. No. 20/04631
M35	—	Xerox copy of M.R. No. 24/2
M36	—	Xerox copy of M.R. No. 12/4
M37	—	Xerox copy of M.R. No. 14/4
M38	—	Xerox copy of M.R. No. 4/5
M39	—	Xerox copy of M.R. No. 7/5
M40	—	Xerox copy of M.R. No. 10/5
M41	—	Xerox copy of M.R. No. 11/5
M42	—	Xerox copy of M.R. No. 17/5
M43	—	Xerox copy of M.R. No. 22/5
M44	—	Xerox copy of M.R. No. 4/59
M45	—	Xerox copy of M.R. No. 04978
M46	—	Xerox copy of M.R. No. 8/06216
M47	—	Xerox copy of M.R. No. 07188
M48	—	Xerox copy of M.R. No. 7/4427
M49	—	Xerox copy of M.R. No. 15/06117
M50	—	Xerox copy of M.R.No. 9/06114
M51	—	Xerox copy of M.R. No. 18/06114
M52	—	Xerox copy of M.R. No. 6/06115
M53	—	Xerox copy of M.R. No. 18/06115
M54	—	Xerox copy of M.R. No. 1/08511
M55	—	Xerox copy of M.R. No. 2/08511
M56	—	Xerox copy of M.R. No. 22/08511
M57	—	Xerox copy of M.R. No. 13/08512
M58	—	Xerox copy of M.R. No. 23/08512
M59	—	Xerox copy of M.R. No. 10/08513
M60	—	Xerox copy of M.R. No. 15/20861
M61	—	Xerox copy of M.R. No. 18/20861
M62	—	Xerox copy of M.R. No. 12/20862



M63	—	Xerox copy of M.R. No. 11/20863
M64	—	Xerox copy of M.R. No. 19/20863
M65	—	Xerox copy of M.R. No. 11/20864
M66	—	Xerox copy of M.R. No. 09/20866
M67	—	Xerox copy of M.R. No. 03/20867
M68	—	Xerox copy of M.R. No. 14/20867
M69	—	Xerox copy of M.R. No. 02/20868
M70	—	Xerox copy of M.R. No. 12/20869
M71	—	Xerox copy of M.R. No. 06/21253
M72	—	Xerox copy of M.R. No. 13/27
M73	—	Xerox copy of M.R. No. 19/29
M74	—	Xerox copy of M.R. No. 4/29
M75	—	Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 1988.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में निरदिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 231/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/144/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O.** —In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 231/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No L-40012/144/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT,  
CHENNAI

Tuesday, the 30th April, 2002

Present; K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO.231/2001

(Tamil Nadu State Industrial Tribunal ID No. 243/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M.Sekar and the management of the General Manager, Telecommunications.)

### BETWEEN

Sri M. Sekar . I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist, Chennai.

### Appearance:—

For the Workman : Unrepresented,

For the Management : Sri R. Kanniappan  
Addl. C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/144/99/IR(DU) dated 13-09-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 243/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 231/2001 and notices were sent to the I Party/Workman and the counsel for the II Party/Management informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 8-02-2001. On receipt of notice from this Tribunal, the counsel for the II Party present and the counsel who proposes to appear for the I Party undertook to file vakalat and claim statement for the I Party but he has not filed his vakalat and the claim statement for the I Party/Workman and the I Party remained unrepresented.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the copy of the claim petition filed by the I Party earlier before the Regional Commissioner of Labour, Central, Chennai filed by the II Party/Management along with their Counter Statement, the other material papers on record, the oral and documentary evidence let in as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following —

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows.—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri M. Sekar as Casual Mazdoor is legal and justified? If not, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman in his earlier claim petition filed before the Regional Labour Commissioner, Central,

Chennai, filed by the II Party/Management are briefly as follows :—

The I Party/Workman Sri M. Sekar (herein-after refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 14-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1788 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I party/Workman has been denied employment w.e.f. 25-05-1995 and, when his services were terminated he was getting Rs. 1800/- per month. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-05-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f.

25-05-1995 and to pay all arrears of back wages and all other attendant benefits.

3 The II party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 14-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1788 number of days of service and the alleged termination of the Petitioner from service on 25-05-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages basis during 1995 for a period of less than 240 days. The department used to engaged the Petitioner as and when there was work. Since there was no work, he was not further engaged. Hence, the question of appointment, termination and continuous service does not arise. The work done by the petitioner was purely casual in nature and not perennial. The Respondent has never informed the petitioner that the respondent/telecom department to take the petitioner back in service. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary status Maaздоор

Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in ID.No.156/2001, and Sri K. Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri M. Sekar as Casual Mazdoor, is legal and justified? If not, to what relief, he is entitled?”

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the

Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management, Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the

said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and they were terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidences available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available

always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they would have been granted temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like laying telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as it is contended by the Respondent/Management. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from

service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/ Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/ Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly

6 In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002 )

K KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:—**

**For the I Party/Workmen:—**

W.W 1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh K Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:—**

M.W. 1 - Sh. P Chandrasekar [DE (Legal & Commercial)]  
Examined in ID No. 11/2001 and has taken as Common evidence in this case

**Common Documents Marked:—**

**For the I Party/Workmen:—**

W 1 Series (7) - Original service certificates issued in favour of Petitioners.

W 2 — Original Service Note Book.

W 3 Series (7) — Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.  
M2 — Xerox copy of M.R. No. 05850  
M3 — Xerox copy of M.R. No. 05851  
M4 — Xerox copy of M.R. No. 07188  
M5 — Xerox copy of M.R. No. 07193  
M6 — Xerox copy of M.R. No. 19/04693  
M7 — Xerox copy of M.R. No. 18/04693  
M8 - Xerox copy of M.R. No. 3/06114  
M9 — Xerox copy of M.R. No. 9/06114  
M10 - Xerox copy of M.R. No. 18/06114  
M11 — Xerox copy of M.R. No. 6/06115  
M12 — Xerox copy of M.R. No. 5/06115

M13 — Xerox copy of M.R. No. 18/06115  
M14 — Xerox copy of M.R. No. 1/08511  
M15 — Xerox copy of M.R. No. 19/07289  
M16 — Xerox copy of M.R. No. 7/4427  
M17 — Xerox copy of M.R. No. 4/4431  
M18 --- Xerox copy of M.R. No. 13/15 948  
M19 --- Xerox copy of M.R. No. 15/06117  
M20 — Xerox copy of M.R. No. 21/06119  
M21 — Xerox copy of M.R. No. 13/08512  
M22 — Xerox copy of M.R. No. 23/08512  
M23 — Xerox copy of M.R. No. 10/08513  
M24 — Xerox copy of M.R. No. 11/08514  
M25 -- Xerox copy of M.R. No. 15/20861  
M26 — Xerox copy of M.R. No. 18/20861  
M27 --- Xerox copy of M.R. No. 12/20862  
M28 - Xerox copy of M.R. No. 11/20863  
M29 - Xerox copy of M.R. No. 03/20867  
M30 — Xerox copy of M.R. No. 02/20868  
M31 — Xerox copy of M.R. No. 13/20863  
M32 — Xerox copy of M.R. No. 12/20869  
M33 — Xerox copy of M.R. No. 23/20869  
M34 — Xerox copy of M.R. No. 20/04631  
M35 — Xerox copy of M.R. No. 24/2  
M36 — Xerox copy of M.R. No. 12/4  
M37 --- Xerox copy of M.R. No. 14/4  
M38 — Xerox copy of M.R. No. 4/5  
M39 — Xerox copy of M.R. No. 7/5  
M40 — Xerox copy of M.R. No. 10/5  
M41 — Xerox copy of M.R. No. 11/5  
M42 — Xerox copy of M.R. No. 17/5  
M43 — Xerox copy of M.R. No. 22/5  
M44 — Xerox copy of M.R. No. 4/59  
M45 - Xerox copy of M.R. No. 04978  
M46 --- Xerox copy of M.R. No. 8/06216  
M47 --- Xerox copy of M.R. No. 07188  
M48 — Xerox copy of M.R. No. 7/4427  
M49 - Xerox copy of M.R. No. 15/06117  
M50 — Xerox copy of M.R. No. 9/06114  
M51 — Xerox copy of M.R. No. 18/06114  
M52 — Xerox copy of M.R. No. 6/06115  
M53 — Xerox copy of M.R. No. 18/06115  
M54 --- Xerox copy of M.R. No. 1/08511  
M55 — Xerox copy of M.R. No. 2/08511  
M56 — Xerox copy of M.R. No. 22/08511  
M57 - Xerox copy of M.R. No. 13/08512  
M58 --- Xerox copy of M.R. No. 23/08512  
M59 — Xerox copy of M.R. No. 10/08513  
M60 — Xerox copy of M.R. No. 15/20861  
M61 — Xerox copy of M.R. No. 18/20861  
M62 — Xerox copy of M.R. No. 12/20862  
M63 --- Xerox copy of M.R. No. 11/20863  
M64 — Xerox copy of M.R. No. 19/20863  
M65 — Xerox copy of M.R. No. 11/20864  
M66 — Xerox copy of M.R. No. 09/20866  
M67 — Xerox copy of M.R. No. 03/20867  
M68 -- Xerox copy of M.R. No. 14/20867  
M69 - Xerox copy of M.R. No. 02/20868  
M70 - Xerox copy of M.R. No. 12/20869  
M71 — Xerox copy of M.R. No. 06/21253  
M72 -- Xerox copy of M.R. No. 13/27  
M73 — Xerox copy of M.R. No. 19/29  
M74 — Xerox copy of M.R. No. 4/29  
M75 — Xerox copy of M.R. No. 20/29

Presiding Officer

नई दिल्ली, 21 मई, 2002

**का. आ. 1989.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 726/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[मं. एल-40012/179/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1989.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 726/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/179/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT : K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO 726/2001

(Tamil Nadu Principal Labour Court CGID No. 376/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri J. Perumal and the Management of Telecommunications, Kancheepuram Dist., Chennai )

#### BETWEEN

Sri J. Perumal : I Party/Workman

AND

The General Manager, : II Party/Management

Telecommunications,

Kancheepuram Dist., Chennai.

Appearance :—

For the Workman : M/s. M Gnanasekaran,  
C. Premavathy, Advocates

For the Management : Sri K. Sambasivam, Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/179/99/IR(DU) dated 29-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 376/99. When the matter was pending

enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 726/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 18-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following —

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecommunications, Chennai, in terminating the services of their workman Sri J. Perumal is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri J. Perumal (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 13-02-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 2375 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs.60 as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he

has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/ Department in terminating the services of Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/ Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 13-02-1985 and his contention about continuous working with the Respondent/Department for a period of 2375 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-1989;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989, and
4. There should not be a break for a period of more than one year

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umamathy, Petitioner in LD.No 156/2001, and Sri K. Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the action of the General Manager, Telecommunication Chennai in terminating the services of their workman Shri J. perumal is legal and justified? If not, to what relief, he is entitled?"

**Point : —**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint

trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the

suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for this Petitioner to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in



the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been

paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers by the Respondent/Department. From the evidence available in these cases, it is abundantly proved by the Respondent /Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners was engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any bases, during trial of the cases, before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not

following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6 In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:-**

**For the I Party/Workmen:-**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management :-**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case

**Common Documents Marked :-**

**For the I Party/Workmen :-**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners

**For the II Party/Management:-**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No. 6/06115

M12 - Xerox copy of M.R. No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R. No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No. 23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No. 09/20866

M67 - Xerox copy of M.R. No. 03/20867

- 168 - Xerox copy of M R No. 14/20867
- 169 - Xerox copy of M.R. No. 02/20868
- 70 - Xerox copy of M R No. 12/20869
- 71 - Xerox copy of M R No. 06/21253
- 72 - Xerox copy of M.R. No. 13/27
- 73 - Xerox copy of M R. No. 19/29
- 4 - Xerox copy of M R. No. 4/29
- 5 - Xerox copy of M.R. No. 20/29

Presiding Officer

नई दिल्ली, 21 मई, 2002

का. आ. 1990.—औद्योगिक विवाद अधिनियम, 1947 (1947) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग तंत्र के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबंधित औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण पंचाट (संदर्भ संख्या 268/2001) को प्रकाशित करती है, जो सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/180/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1990.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 268/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No L-40012/180/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

#### Present

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE No. 268/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 304/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman Sri V. Varathan and the Management of the General Manager Telecommunications, Chennai.)

#### BETWEEN

Sri V Varathan I Party/Workman

AND

The General Manager, II Party/Management  
Telecommunications,  
Kancheepuram Dist, Chennai

#### APPEARANCE:—

For the Workman M/s. M.Gnanasckar,  
C.Premavathy, & G.  
Manjula, Advocates

For the Management : Sri R. Kannappan, Addl.  
C G S C

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/180/99/IR(DU) dated 2-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 304/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 268/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following:—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri V Varathan, Casual Mazdoor is legal and justified? If not, to what relief, is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Shri V. Varathan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) in 01-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1872 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and

arbitrary. The I Party/Workman has been denied employment w.e.f. 25-04-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status he was informed that he will be taken back to duty. The petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further the petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-4-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-04-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1872 number of days of service and the alleged termination of the Petitioner from service on 25-04-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of 84 days. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced

for the Casual Labourers' who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in LD.No.156/2001, and Sri K Mohan, Petitioner in I.D.No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the Xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the service certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service

certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is -

"Whether the action of the General Manager, Telecom, Chengalpattu in terminating the services of Shri V. Varathan, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?"

Point : -

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the service certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evi-

dence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Peti-

tioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex. M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The Xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regu-

lar and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, they Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department. That these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners was engaged by the department as Casual Labourers only for the short period as and when required and he was given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has, been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the produc-

tion of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined:-

##### For the I Party/Workmen:—

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management:—

M.W. 1 - Sh. P. Chandrasekar (DE (Legal & Commercial) Examined in I.D. No. 11/2001 and has taken as Common evidence in this case

#### Common Documents Marked:—

##### For the I Party/Workmen:—

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### For the II Party/Management:—

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No. 6/06115

M12 - Xerox copy of M.R. No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R. No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511  
 M57 - Xerox copy of M.R. No. 13/08512  
 M58 - Xerox copy of M.R. No. 23/08512  
 M59 - Xerox copy of M.R. No. 10/08513  
 M60 - Xerox copy of M.R. No. 15/20861  
 M61 - Xerox copy of M.R. No. 18/20861  
 M62 - Xerox copy of M.R. No. 12/20862  
 M63 - Xerox copy of M.R. No. 11/20863  
 M64 - Xerox copy of M.R. No. 19/20863  
 M65 - Xerox copy of M.R. No. 11/20864  
 M66 - Xerox copy of M.R. No. 09/20866  
 M67 - Xerox copy of M.R. No. 03/20867  
 M68 - Xerox copy of M.R. No. 14/20867  
 M69 - Xerox copy of M.R. No. 02/20868  
 M70 - Xerox copy of M.R. No. 12/20869  
 M71 - Xerox copy of M.R. No. 06/21253  
 M72 - Xerox copy of M.R. No. 13/27  
 M73 - Xerox copy of M.R. No. 19/29  
 M74 - Xerox copy of M.R. No. 4/29  
 M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 1991.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 259/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/181/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1991.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 259/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No L-40012/181/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present; K. KARTHIKEYAN: Presiding Officer  
 INDUSTRIAL DISPUTE NO. 259/2001

(Tamil Nadu State Industrial Tribunal ID No. 309/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman Sri K. Ramamoorthy and the Management of the General Manager Telecommunications, Kancheepuram Distt., Chennai.)

#### BETWEEN

Sri K. Ramamoorthy : I Party/Workman

AND

The General Manager, : II Party/Management  
 Telecommunications,  
 Kancheepuram Dist, Chennai.

Appearance:—

For the Workman : M/s.M.Gnanasekaran,  
 C.Premavathy, & G.  
 Manjula, Advocates

For the Management : Sri R. Kannappan, Addl.  
 CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/181/99/IR(DU) dated 13-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 309/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 259/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 9-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, Additional Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecom, Kancheepuram in terminating the services of the workman Shri K. Ramamoorthy is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Shri K. Ramamorthy (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department



(hereinafter refers to as Respondent) in August 84 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1056 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status he was informed that he will be taken back to duty. The petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further the petition was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/ Department in terminating the services of Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefit including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter

Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour in August, 1984 and his contention about continuous working with the Respondent/Department for a period of 1056 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 less than 240 days. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D. No.156/2001, and Sri K. Mohan,

Petitioner in I.D.No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the Xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecom, Kancheepuram in terminating the services of the workman Shri K. Ramamoorthy is legal and justified? If not, to what relief, he is entitled?”

Point : -

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the service certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the

evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned any thing with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has

been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The Xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental

work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has, been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis, during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does

not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:-**

**For the I Party/Workmen:-**

W.W. 1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W. 2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:—**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)] Examined in ID No. 11/2001 and has taken as Common evidence in this case.

**Common Documents Marked:—**

**For the I Party/Workmen:—**

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No.3/06114

M9 - Xerox copy of M.R. No.9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No.6/06115

M12 - Xerox copy of M.R. No.5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No.7/4427

M17 - Xerox copy of M.R. No.4/4431

M18 - Xerox copy of M.R. No. 13/15948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R. No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No.23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No. 09/20866

M67 - Xerox copy of M.R. No. 03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No. 02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No. 06/21253

M72 - Xerox copy of M.R. No. 13/27

M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का.आ. 1992.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई, के पंचाट (संदर्भ संख्या 260/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल.-40012/182/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1992.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 260/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/182/99-IR(D.U.)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT : K. KARTHIKEYAN, Presiding Officer  
INDUSTRIAL DISPUTE NO. 260/200

(Tamil Nadu State Industrial Tribunal I.D. No. 310/99)  
(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Shri P. Mugesh and the Management of General Manager, Telecommunications).

#### BETWEEN

Shri P. Mugesh : I Party/Workman

#### AND

The General Manager : II Party /Management  
Telecommunications,  
Kancheepuram Dist.,  
Chennai.)

#### APPEARANCE:

For the Workman : M/s. M. Gnanasckaran,  
C. Premavathy, Advocates

For the Management : Sri R. Kanniappan,  
Addl. C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/182/99/IR(DU) dated 13-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 310/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from

that Tribunal, the case has been taken on file as I.D. No. 260/2001 and notices were sent to the I Party/Workman and the counsel on record for the II Party/Management, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12.02.2001 and to prosecute this case further. On receipt of notice from this Tribunal, the counsel for the II Party/Management alone present. Though the counsel for the I Party/Workman entered appearance on 02-3-2001 itself by filing his vakalat, the Claim Statement of the I Party/Workman was not filed. After the transfer of this case to the file of this Court, the I Party Workman had received notice from this Court had not chosen to appear before this Court for this case and to file the Claim Statement and no representation at all for the I Party/Workman for this industrial dispute before this Tribunal except filing the Xerox copies of the documents in support of the claim of the I Party/Petitioner in this industrial dispute. The II Party/Management had filed the Counter Statement along with the copy of the claim petition filed by this Petitioner before the Regional Commissioner of Labour, Chennai while raising this industrial dispute.

When the matter came up before this Tribunal on 01.04.2002, for final hearing, the counsel for the II Party/Management alone was present. Neither the I party nor his counsel present and there was no representation at all on the side of the I Party/Workman. No Claim Statement has been filed for the I Party/Workman. The learned counsel for the II Party/Management alone has advanced his arguments.

Upon perusing the Order of Reference in respect of this industrial dispute between the parties, the other material papers on record, copy of the statement of claim filed by the I Party/Workman before the Regional Commissioner of Labour, Central, Chennai, Counter Statement filed by the II Party/Management, Telecom Department, Kancheepuram District, and the common evidence both oral and documentary on either side in the batch of similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management and upon considering all these relevant aspects, this Tribunal has passed, on merits, the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of their workman Shri P. Mugesh is legal and justified? If not, to what relief, he is entitled?”

2. The averments made by the I Party/Workman in the statement of claim filed before the Regional Labour Commissioner, Chennai while raising this industrial dispute are briefly as follows :—

The I Party/Workman Sh. P. Mugesh (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 13.03.1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 60

as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 550 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment during 1995 and, when his services were terminated he was getting Rs. 60 as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio void* and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service and to pay all arrears of back wages and all other attendant benefits.

3. The averments in the Statement of Objection filed by the II Party/Management Telecom Department, Chengalpet SSA are briefly as follows:—

This Statement of Objection of the II Party/Management has been filed as a reply to the dispute that has been raised by the Petitioner/Workman before the conciliating authority, though he has not chosen to file any Claim Statement before this Tribunal. It is clearly denied in the Statement of Objection of the Respondent/Management that the Petitioner/Workman was appointed as Casual Labour on 13-03-85 and he was continuously working with the Respondent and terminated during 1995 and put the Petitioner to

strict proof of the same and they have filed a xerox copy of the claim petition for the industrial dispute raised by the Petitioner/Workman before the conciliating authority. It is further contended in the Statement of Objection that in the industrial dispute raised by the Petitioner/Workman before the conciliating authority, there was no pleading about his engagement *i.e.* place of work and mode of employment and employed by whom and he has not submitted any service particulars either before the Labour Commissioner or before this Hon'ble Tribunal till date to substantiate his claim made in the claim petition. In the absence of service particulars and in the absence of pleading, the department is unable to file in detail counter in this case. Therefore, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the above claim petition.

4. The point for my consideration is :—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the service of their workman Shri P. Mugesh is legal and justified? If not, to what relief, he is entitled?”

**Point :—**

Though the Petitioner/Workman Sri P. Mugesh has raised this industrial dispute against the General Manager, Telecommunications, Kancheepuram Dist. demanding reinstatement as casual mazdoor, he has not chosen to file his Claim Statement either before the Tamil Nadu State Industrial Tribunal earlier or before this Tribunal after the matter has been transferred to the file of this Tribunal and notice to that effect was served on him. But the II Party/Management alone had chosen to file the Statement, objecting to the claim made by the Petitioner/Workman by raising this industrial dispute against them. It is clearly denied in the Statement of Objection of the Respondent/Management that the Petitioner/Workman was appointed as Casual Labour on 13-03-85 and he was continuously working with the Respondent and terminated during 1995 and put the Petitioner to strict proof of the same and they have filed a xerox copy of the claim petition for the industrial dispute raised by the Petitioner/Workman before the conciliating authority. It is further contended in the Statement of Objection that in the industrial dispute raised by the Petitioner/Workman before the conciliating authority, there was no pleading about his engagement *i.e.* place of work and mode of employment and employed by whom and he has not submitted any service particulars either before the Labour Commissioner or before this Hon'ble Tribunal till date to substantiate his claim made in the claim petition. In the absence of service particulars and in the absence of pleading, the department is unable to file detail counter in this case. All these averments of the Respondent/Management in the Statement of Objection have not been repudiated by the Petitioner/Workman by let in any oral and documentary evidence in support of his claim he raised as an industrial dispute for the relief he has claimed against the Respondent/Management. Under such circumstances, as it is mentioned in this industrial dispute Schedule of Reference for the demand he made for reinstatement by the General Manager, Telecommunications, Kancheepuram, as casual mazdoor cannot be considered to be legal and justified. Hence, he is not

entitled to the relief he prayed for in this dispute against the II Party/Telecommunication Department, Kancheepuram District, Chennai. Thus, the point is answered accordingly.

5. In the result, an Award is passed holding that the I Party/Workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Witness Examined :—**

On either side : None

**Exhibits Marked :—**

On either side : Nil

नई दिल्ली, 21 मई, 2002

**का.आ. 1993.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 262/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल.-40012/183/99-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1993.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 262/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/183/99-IR (D.U.)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present: K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 262/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 312/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman Sri K. Mohan and the Management of the General Manager, Telecommunications, Chennai).

BETWEEN

Shri K. Mohan : I Party/Workman

AND

The General Manager : II Party /Management  
Telecommunications,  
Kancheepuram Dist., Chennai.

APPEARANCE:

For the Workman : M/s. M.Gnanasekar,  
C. Premavathi  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan,  
Addl. C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section 1 and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/182/99/IR(DU) dated 13-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 312/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 262/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12-02-2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter stood till this date for consideration, this Tribunal has passed, the following:-

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:-

"Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of their workman Shri K. Mohan is legal and justified? If not, to what relief, he is entitled?"

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows: -

The I Party/Workman Sh. K. Mohan (herein after refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) in 1-11-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1754 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-05-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the

Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25.5.1995 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-5-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour in 1.11.1984 and his contention about continuous working with the Respondent/Department for a period of 1754 number of days service and alleged termination of the Petitioner from service on 25.05.1995. It is further alleged that the petitioner was engaged purely on casual basis for unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 (26.02.95 to 26.05.95) for a period of 89 days only. The Department used to engaged the Petitioner as and when there was work. In 1989, a scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the Scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished

the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be grant TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. so, the department did not consider the claim of the petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umaphathy, Petitioner in I.D.No.156/2001, and Sri K.Mohan, Petitioner in I.D. No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the Xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the action of the General Manager, Telecom, Kancheepuram in terminating the services of their workman Shri K. Mohan is legal and justified? If not, to what relief, he is entitled?"

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under



Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner,

he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for this Petitioner to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex. M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no sugges-

tion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioners in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the material available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true the respondent department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/

Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:—**

**For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management: -**

M.W. 1 - Sh. P. Chandrasekar DE(Legal & Commercial)  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case.

**Common Documents Marked:—**

**For the I Party/Workmen:-**

W1 Series(7) - Original service certificates issued in favour  
of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates  
issued in favour of Petitioners.

**For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in  
favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No. 6/06115

M12 - Xerox copy of M.R.No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R.No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No. 23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No. 09/20866

M67 - Xerox copy of M.R. No. 03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No. 02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No. 06/21253

M72 - Xerox copy of M.R. No. 13/27

M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No. 4/29

नई दिल्ली, 21 मई, 2002

**का.आ. 1994.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 261/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/184/99—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1994.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 261/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/184/99—IR (DU)]

KULDIP RAI VERMA, Desk Officer

**ANNEXURE**  
**BEFORE THE CENTRAL GOVT. INDUSTRIAL**  
**TRIBUNAL-CUM-LABOUR COURT,**  
**CHANNAI**

Tuesday, the 30th April, 2002

**PRESENT :**

K. KARTHIKEYAN, Presiding Officer  
 INDUSTRIAL DISPUTE NO. 261/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 311/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman Sri P.Dakshinamoorthy and the Management of General Manager, Telecommunications, Chennai).

**BETWEEN**

Shri P.Dakshinamoorthy : I Party/Workman

AND

The General Manager : II Party/Management  
 Telecommunications,  
 Kancheepuram Dist.,  
 Chennai.

**APPEARANCE:**

For the Workman : M/s. M. Gnanasekaran,  
 C. Premavathi &

G.Manjula,  
 Advocates

For the Management : Sri R. Kannappan,  
 Addl. C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/184/99/IR(DU) dated 13-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 311/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 261/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12.02.2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 04-20-02, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and connected similar cases and after hearing the arguments advanced by the counsel for the II Party/Management alone, this matter stood over till this date for consideration, this Tribunal has passed the following :—

**AWARD**

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the demand of the workman Sh. P. Dakshinamoorthy for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sh.P. Dakshinamoorth (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) in 10-3-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1235 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-06-1995 is illegal and arbitrary and consequently for a direction to the Respondent/

Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/management Telecom Department has filed a Counter Statement and additional Counter Statment denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour in 10.03.1985 and his contention about continuous working with Respondent/Department for a period of 1235 number of days of service and the alleged termination of the Petitioner from service on 25.06.1995. It is further alleged that the petitioner was engaged purely on casual basis for unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other csual works on daily rated wages for a short spell during 1995 for a period of 120 days only. The Department used to engaged the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the casual Labourers who actually worked. The essential conditions of the Scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should hav eput in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced falls service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. since ther is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. the Pctitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side treated as common evidence for all these cases. On the side of the Petitioner/ Workman Sri K. Umapathy, Petitioner in LD.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo

filed by the learned counsel for the Respondent/ Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the demand of the workman Sh. P. Dakshinamoorthy for reinstatement by the General Manager Telecommunications, Chengalpattu as casual mazdoor is legal and justified? If not, to what relief, he is entitled?"

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him

to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/ Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were

engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that

Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to inservice certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners have created them

for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:—**

**For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:—**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case.

**Common Documents Marked :—**

**For the I Party/Workmen :—**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114  
 M9 - Xerox copy of M.R. No. 9/06114  
 M10 - Xerox copy of M.R. No. 18/06114  
 M11 - Xerox copy of M.R.No. 6/06115  
 M12 - Xerox copy of M.R.No. 5/06115  
 M13 - Xerox copy of M.R. No. 18/06115  
 M14 - Xerox copy of M.R. No. 1/08511  
 M15 - Xerox copy of M.R. No. 19/07289  
 M16 - Xerox copy of M.R. No. 7/4427  
 M17 - Xerox copy of M.R. No. 4/4431  
 M18 - Xerox copy of M.R. No. 13/15948  
 M19 - Xerox copy of M.R. No. 15/06117  
 M20 - Xerox copy of M.R. No. 21/06119  
 M21 - Xerox copy of M.R. No. 13/08512  
 M22 - Xerox copy of M.R. No. 23/08512  
 M23 - Xerox copy of M.R. No. 10/08513  
 M24 - Xerox copy of M.R. No. 11/08514  
 M25 - Xerox copy of M.R. No. 15/20861  
 M26 - Xerox copy of M.R. No. 18/20861  
 M27 - Xerox copy of M.R. No. 12/20862  
 M28 - Xerox copy of M.R. No. 11/20863  
 M29 - Xerox copy of M.R. No. 03/20867  
 M30 - Xerox copy of M.R. No. 02/20868  
 M31 - Xerox copy of M.R. No. 13/20863  
 M32 - Xerox copy of M.R. No. 12/20869  
 M33 - Xerox copy of M.R. No. 23/20869  
 M34 - Xerox copy of M.R. No. 20/04631  
 M35 - Xerox copy of M.R. No. 24/2  
 M36 - Xerox copy of M.R. No. 12/4  
 M37 - Xerox copy of M.R. No. 14/4  
 M38 - Xerox copy of M.R. No. 4/5  
 M39 - Xerox copy of M.R. No. 7/5  
 M40 - Xerox copy of M.R. No. 10/5  
 M41 - Xerox copy of M.R. No. 11/5  
 M42 - Xerox copy of M.R. No. 17/5  
 M43 - Xerox copy of M.R. No. 22/5  
 M44 - Xerox copy of M.R. No. 4/59  
 M45 - Xerox copy of M.R. No. 04978  
 M46 - Xerox copy of M.R. No. 8/06216  
 M47 - Xerox copy of M.R. No. 07188  
 M48 - Xerox copy of M.R. No. 7/4427  
 M49 - Xerox copy of M.R. No. 15/06117  
 M50 - Xerox copy of M.R.No. 9/06114  
 M51 - Xerox copy of M.R. No. 18/06114  
 M52 - Xerox copy of M.R. No. 6/06115  
 M53 - Xerox copy of M.R. No. 18/06115  
 M54 - Xerox copy of M.R. No. 1/08511  
 M55 - Xerox copy of M.R. No. 2/08511  
 M56 - Xerox copy of M.R. No. 22/08511  
 M57 - Xerox copy of M.R. No. 13/08512  
 M58 - Xerox copy of M.R. No. 23/08512  
 M59 - Xerox copy of M.R. No. 10/08513  
 M60 - Xerox copy of M.R. No. 15/20861  
 M61 - Xerox copy of M.R. No. 18/20861  
 M62 - Xerox copy of M.R. No. 12/20862  
 M63 - Xerox copy of M.R. No. 11/20863  
 M64 - Xerox copy of M.R. No. 19/20863  
 M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No. 09/20866  
 M67 - Xerox copy of M.R. No. 03/20867  
 M68 - Xerox copy of M.R. No. 14/20867  
 M69 - Xerox copy of M.R. No. 02/20868  
 M70 - Xerox copy of M.R. No. 12/20869  
 M71 - Xerox copy of M.R. No. 06/21253  
 M72 - Xerox copy of M.R. No. 13/27  
 M73 - Xerox copy of M.R. No. 19/29  
 M74 - Xerox copy of M.R. No. 4/29  
 M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का. आ. 1995.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 263/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/185/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 1995.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 263/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/185/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT:

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 263/2001

(Tamil Nadu State Industrial Tribunal I.D.No. 313/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri J. Arumugam and the management of the General Manager, Telecommunications, Chennai.)

BETWEEN

Sri J. Arumugam : I Party/Workman  
 AND

The General Manager, : II Party/Management  
 Telecommunications,  
 Kancheepuram Dist, Chennai.

APPEARANCE:

For the Workman : M/s.M.Gnanasekar,  
 C.Premavathi &

For the Management : Sri R.Kanniappan Addl.  
 CGSC



The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/185/99/IR(DU) dated 13-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 313/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 263/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12-02-2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following: -

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:-

"Whether the action of the General Manager, Telecom Kancheepuram in terminating the services of the workman Sh. J. Arumugham is legal and justified? If not, to what relief, he is entitled?"

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows: -

The I Party/Workman Sh. J. Arumugham (herein after refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 2-07-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1449 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he

will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio void* and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour in 2-07-1984 and his contention about continuous working with the Respondent/Department for a period of 1449 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of 138 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are: -

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I. D. No.156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the General Manager, Telecom, Kancheepuram in terminating the services of their workman Sh. J. Arumugham is legal and justified? If not, to what relief, he is entitled?”

**Point : —**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of

the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned

counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination

of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have been granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period as and when required and he was given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new

telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners for the purpose of these cases have created them as it is contended by the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief prayed for in his Claim Statement. Thus, the point is answered accordingly.

In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No costs.

(Dictated to the Stenographer, transcribed and typed by him, pronounced and pronounced by me in the open court on this day 15th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

### Common Witnesses Examined:-

#### For the I Party/Workmen:-

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

#### For the II Party/Management:-

M.W.1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

### Common Documents Marked:-

#### For the I Party/Workmen:-

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7)- Xerox copy of the service certificates issued in favour of Petitioners.

#### For the II Party/Management:-

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No. 6/06115

M12 - Xerox copy of M.R. No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 11/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

- M42 - Xerox copy of M.R. No. 17/5
- M43 - Xerox copy of M.R. No.22/5
- M44 - Xerox copy of M.R. No.4/59
- M45 - Xerox copy of M.R. No.04978
- M46 - Xerox copy of M.R. No. 8/06216
- M47 - Xerox copy of M.R. No.07188
- M48 - Xerox copy of M.R. No.7/4427
- M49 - Xerox copy of M.R. No. 15/06117
- M50 - Xerox copy of M.R.No.9/06114
- M51 - Xerox copy of M.R. No. 18/06114
- M52 - Xerox copy of M.R. No.6/06115
- M53 - Xerox copy of M.R. No. 18/06115
- M54 - Xerox copy of M.R. No. 1/08511
- M55 - Xerox copy of M.R. No.2/08511
- M56 - Xerox copy of M.R. No.22/08511
- M57 - Xerox copy of M.R. No. 13/08512
- M58 - Xerox copy of M.R. No.23/08512
- M59 - Xerox copy of M.R. No. 10/08513
- M60 - Xerox copy of M.R. No. 15/20861
- M61 - Xerox copy of M.R. No. 18/20861
- M62 - Xerox copy of M.R. No. 12/20862
- M63 - Xerox copy of M.R. No. 11/20863
- M64 - Xerox copy of M.R. No. 19/20863
- M65 - Xerox copy of M.R. No. 11/20864
- M66 - Xerox copy of M.R. No.09/20866
- M67 - Xerox copy of M.R. No.03/20867
- M68 - Xerox copy of M.R. No. 14/20867
- M69 - Xerox copy of M.R. No.02/20868
- M70 - Xerox copy of M.R. No. 12/20869
- M71 - Xerox copy of M.R. No.06/21253
- M72 - Xerox copy of M.R. No. 13/27
- M73 - Xerox copy of M.R. No. 19/29
- M74 - Xerox copy of M.R. No. 4/29
- M75 - Xerox copy of M.R. No.20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 1996.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 270/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/186/99—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1996.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 270/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/186/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN, Presiding Officer  
INDUSTRIAL DISPUTE NO. 270/2001

(Tamil Nadu State Industrial Tribunal I.D.No.308/99)

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri A. Anbu and the management of the General Manager, Telecommunications, Chennai.)

### BETWEEN

Sri A. Anbu : I Party/Workman

### AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist, Chennai.

### APPEARANCE:

For the Workman : M/s. M.Gnanasekar,

C.Premavathi &

G.Manjula, Advocates

For the Management : Sri R. Kannappan

Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/186/99/IR(DU) dated 21-10-1999

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 308/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 270/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12.02.2001. On receipt of notice from this Tribunal, the counsel on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01.04.2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following: -

### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the demand of the workman Sri A. Anbu for reinstatement by the General Manager, Telecommunications, Chengalpattu as Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows : —

The I Party/Workman Sh. A. Anbu (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-08-1983 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 5.25 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1180 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-05-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-5-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-5-1995 and to pay all arrears of back wages and all other attendant benefits.

3 The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement

denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-08-1983 and his contention about continuous working with the Respondent/Department for a period of 1180 number of days of service and the alleged termination of the Petitioner from service on 15-05-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of 135 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a com-

mon evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhi-bits. On the side of the Management the xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M 1, M 2 to M 75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the demand of the workman Sh. A. Anbu for reinstatement by the General Manager, Telecommunications, Chengalpattu as casual Mazdoor is legal and justified? If not, to what relief, is he entitled?”

**Point : —**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like Inman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statement and they have not mentioned so in their earlier Claim

Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1983 and worked continuously till 1995, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for this Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for

240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by

production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947



and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:-**

**For the I Party/Workmen:-**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:-**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]

Examined in I.D.No. 11/2001 and has taken as

Common evidence in this case.

**Common Documents Marked:-**

**For the I Party/Workmen:-**

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7)- Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:-**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No. 6/06115

M12 - Xerox copy of M.R.No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No.0 2/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No.4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R.No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No. 23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No.09/20866

M67 - Xerox copy of M.R. No. 03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No. 02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No. 06/21253

M72 - Xerox copy of M.R. No. 13/27

M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 1997.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 702/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं एल-40012/187/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 1997.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 702/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/187/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present: K. KARTHIKEYAN, Presiding Officer  
INDUSTRIAL DISPUTE NO. 702/2001

(Tamil Nadu Principal Labour Court C.G.I.D. No. 352/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2 (A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri R. Ponnuram and the Management of the Telecommunications, Kancheepuram Dist. Chennai.)

BETWEEN

Sri R. Ponnuram : I Party/Workman  
AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist, Chennai.

APPEARANCE:

For the Workman : M/s. M. Gnanasekaran,  
C. Premavathy, Advocates

For the Management : Sri K. Sambasivam  
Addl. C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/187/99/IR(DU) dated 27-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 352/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour court, the case has been taken on file as I.D. No. 702/2001 and notices were

sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 01-11-2001. On receipt of notice from Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :-

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri R. Ponnuram, Casual Mazdoor is legal and justified? If not, to what relief is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :

The I Party/Workman Sri R. Ponnuram (hereinafter refers to as Petitioner) was engaged as casual labour in the II party/Management Telecom Department (hereinafter refers to as Respondent) on 10-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1361 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 13-05-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his

service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 13.05.1995 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 13.05.1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 10.03.1985 and his contention about continuous working with the Respondent/Department for a period of 1361 number of days of service and the alleged termination of the Petitioner from service on 13.05.1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of 43 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : -

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the

Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the Xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is -

"Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri R. Ponnurangam, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?"

**Point : -**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management on the date of their

respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary Status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all those things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. PChandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/

Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The Xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of

the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have been granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is

the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis, during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:—**

**For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:—**

M.W. 1 - Sh. P. Chandrasekar (DE Legal & Commercial) Examined in I.D.No. 11/2001 and has taken as Common evidence in this case

**Common Documents Marked:—**

**For the I Party/Workmen:—**

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No.6/06115

M12 - Xerox copy of M.R.No.5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No.7/4427

M17 - Xerox copy of M.R. No.4/4431

M18 - Xerox copy of M.R. No. 13/15948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No.21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No.23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No.03/20867

M30 - Xerox copy of M.R. No.02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No.23/20869

M34 - Xerox copy of M.R. No.20/04631

M35 - Xerox copy of M.R. No.24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No.4/5

M39 - Xerox copy of M.R. No.7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No.22/5

M44 - Xerox copy of M.R. No.4/59

M45 - Xerox copy of M.R. No.04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No.07188

M48 - Xerox copy of M.R. No.7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R.No.9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No.6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No.2/08511

M56 - Xerox copy of M.R. No.22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No. 23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No.09/20866

M67 - Xerox copy of M.R. No.03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No.02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No.06/21253

M72 - Xerox copy of M.R. No. 13/27

M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 1998.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 717/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/188/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी)

New Delhi, the 21st May, 2002

**S.O. 1998.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 717/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/188/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 717/2001

(Tamil Nadu Principal Labour Court CGID No. 367/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri E. Sekar and the Management of Telecommunications, Kancheepuram Dist. Chennai.)

BETWEEN

Sri E. Sekar : I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist, Chennai.

APPEARANCE :

For the Workman : M/s.M.Gnanasekaran,  
C.Premavathy, Advocates

For the Management : Sri K. Sambasivam, Addl.  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/188/99/IR(DU) dated 27-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 367/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 717/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 18-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecom, Kancheepuram in terminating the services of the workman Sri E. Sekar is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri E. Sekar (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 22-08-1983 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.4.75 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 354 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 31-10-1993 and, when his services were terminated he was getting Rs.55/- as daily wages. When he approached the concerned authority

for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/ Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/ Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 31-10-1993 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 31-10-1993 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 22-08-1983 and his contention about continuous working with the Respondent/Department for a period of 354 number of days of service and the alleged termination of the Petitioner from service on 31-10-1993. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;

3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and

4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in LD.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the General Manager,



Telecom, Kancheepuram in terminating the services of the workman Shri E. Sekar is legal and justified? If not, to what relief, he is entitled?"

**Point :-**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M 1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They

further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1983 and worked continuously till 1993 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1993. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by

the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1983 to 1993 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The Xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of

the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent Department they would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that this Petitioner had not worked continuously from 1983 to 1993. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourer only for the short period as and when required and he was given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from

service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined:-

##### For the I Party/Workmen:-

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh.K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management:-

M.W. 1 - Sh. P. Chandrasekar DE(Legal & Commercial) Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

#### Common Documents Marked :-

##### For the I Party/Workmen :-

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### For the II Party/Management:-

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851  
M4 - Xerox copy of M.R. No.07188  
M5 - Xerox copy of M.R. No.07193  
M6 - Xerox copy of M.R. No. 19/04693  
M7 - Xerox copy of M.R. No. 18/04693  
M8 - Xerox copy of M.R. No. 3/06114  
M9 - Xerox copy of M.R. No. 9/06114  
M10 - Xerox copy of M.R. No. 18/06114  
M11 - Xerox copy of M.R.No. 6/06115  
M12 - Xerox copy of M.R.No. 5/06115  
M13 - Xerox copy of M.R. No. 18/06115  
M14 - Xerox copy of M.R. No. 1/08511  
M15 - Xerox copy of M.R. No. 19/07289  
M16 - Xerox copy of M.R. No. 7/4427  
M17 - Xerox copy of M.R. No. 4/4431  
M18 - Xerox copy of M.R. No. 13/15 948  
M19 - Xerox copy of M.R. No. 15/06117  
M20 - Xerox copy of M.R. No. 21/06119  
M21 - Xerox copy of M.R. No. 13/08512  
M22 - Xerox copy of M.R. No. 23/08512  
M23 - Xerox copy of M.R. No. 10/08513  
M24 - Xerox copy of M.R. No. 11/08514  
M25 - Xerox copy of M.R. No. 15/20861  
M26 - Xerox copy of M.R. No. 18/20861  
M27 - Xerox copy of M.R. No. 12/20862  
M28 - Xerox copy of M.R. No. 11/20863  
M29 - Xerox copy of M.R. No. 03/20867  
M30 - Xerox copy of M.R. No. 02/20868  
M31 - Xerox copy of M.R. No. 13/20863  
M32 - Xerox copy of M.R. No. 12/20869  
M33 - Xerox copy of M.R. No.23/20869  
M34 - Xerox copy of M.R. No. 20/04631  
M35 - Xerox copy of M.R. No. 24/2  
M36 - Xerox copy of M.R. No. 12/4  
M37 - Xerox copy of M.R. No. 14/4  
M38 - Xerox copy of M.R. No. 4/5  
M39 - Xerox copy of M.R. No. 7/5  
M40 - Xerox copy of M.R. No. 10/5  
M41 - Xerox copy of M.R. No. 11/5  
M42 - Xerox copy of M.R. No. 17/5  
M43 - Xerox copy of M.R. No. 22/5  
M44 - Xerox copy of M.R. No. 4/59  
M45 - Xerox copy of M.R. No. 04978.  
M46 - Xerox copy of M.R. No. 8/06216  
M47 - Xerox copy of M.R. No. 07188  
M48 - Xerox copy of M.R. No. 7/4427  
M49 - Xerox copy of M.R. No. 15/06117  
M50 - Xerox copy of M.R.No. 9/06114

- M51 - Xerox copy of M.R. No. 18/06114
- M52 - Xerox copy of M.R. No. 6/06115
- M53 - Xerox copy of M.R. No. 18/06115
- M54 - Xerox copy of M.R. No. 1/08511
- M55 - Xerox copy of M.R. No. 2/08511
- M56 - Xerox copy of M.R. No. 22/08511
- M57 - Xerox copy of M.R. No. 13/08512
- M58 - Xerox copy of M.R. No. 23/08512
- M59 - Xerox copy of M.R. No. 10/08513
- M60 - Xerox copy of M.R. No. 15/20861
- M61 - Xerox copy of M.R. No. 18/20861
- M62 - Xerox copy of M.R. No. 12/20862
- M63 - Xerox copy of M.R. No. 11/20863
- M64 - Xerox copy of M.R. No. 19/20863
- M65 - Xerox copy of M.R. No. 11/20864
- M66 - Xerox copy of M.R. No. 02/20866
- M67 - Xerox copy of M.R. No. 03/20867
- M68 - Xerox copy of M.R. No. 14/20867
- M69 - Xerox copy of M.R. No. 02/20868
- M70 - Xerox copy of M.R. No. 12/20869
- M71 - Xerox copy of M.R. No. 06/21253
- M72 - Xerox copy of M.R. No. 13/27
- M73 - Xerox copy of M.R. No. 19/29
- M74 - Xerox copy of M.R. No. 4/29
- M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का.आ. 1999.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 700/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/189/99—आई.आर. (डी.यू.)]  
कुलदीप राय वर्मा, डेस्क अधिकारी)

New Delhi, the 21st May, 2002

**S.O. 1999.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 700/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/189/99—IR (DU)]

KULDIP RAI VERMA, Desk Officer

# ANNEXURE

## BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present: K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 700/2001

(Tamil Nadu Principal Labour Court CGID. No. 350/99).

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri K. Bhoopalan and the Management of Telecommunications, Kancheepuram Dist., Chennai).

# BETWEEN

Sri K. Bhoopalan : I Party/Workman

# AND

The General Manager : II Party/Management  
Telecommunications,  
Kancheepuram Dist.,  
Chennai.

# APPEARANCE :

For the Workman : M/s. M. Gnanasekaran,  
C. Premavathy,  
Advocates

For the Management : Sri. K. Sambasivam  
Addl. C. G. S. C.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/189/99/IR (DU) dated 27-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 350/99. When the matter was pending enquiry in that Principal Labour Court, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 700/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 01-11-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar

cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri K. Bhoopalan, Casual Mazdoor is legal and justified ? If not, to what relief is he entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri K. Bhoopalan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 7.25 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1969 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 13-05-1995 and, when his services were terminated he was getting Rs. 60 as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondents/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial disputes Act, 1947. Hence, the action of the Respon-

dent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 13-5-1995 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 13-5-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-03-1985 and his contention about continuous working with the Respondent/Department for a period of 1969 number of days of service and the alleged termination of the Petitioner from service on 13-5-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of 109 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such

type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the General Manager, Telecommunications Chengalpattu in terminating the services of Shri K. Bhoopalan, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are

remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoor only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked

continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that Service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to

M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourer. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners was engaged by the department as Casual Labourer only for short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners

were doing as Casual Labourer was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis, during trial of the cases, before this Tribunal, go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for

which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:—**

**For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management: —**

M.W. 1 - Sh. P. Chandrasekar DE [Legal & Commercial] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

**Common Documents Marked:—**

**For the I Party/Workmen:—**

W 1 - Series(7) - Original service certificates issued in favour of Petitioners.

W 2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M 1 - Xerox copy of the service certificate issued in favour of Petitioners.

M 2 - Xerox copy of M.R. No.05850

M 3 - Xerox copy of M.R. No.05851

M 4 - Xerox copy of M.R. No.07188

M 5 - Xerox copy of M.R. No.07193

M 6 - Xerox copy of M.R. No. 19/04693

M 7 - Xerox copy of M.R. No. 18/04693

M 8 - Xerox copy of M.R. No.3/06114

M 9 - Xerox copy of M.R. No.9/06114

M 10 - Xerox copy of M.R. No. 18/06114

M 11 - Xerox copy of M.R.No.6/06115

M 12 - Xerox copy of M.R.No.5/06115

M 13 - Xerox copy of M.R. No. 18/06115

M 14 - Xerox copy of M.R. No. 1/08511

M 15 - Xerox copy of M.R. No. 19/07289

M 16 - Xerox copy of M.R. No.7/4427

M 17 - Xerox copy of M.R. No.4/4431

M 18 - Xerox copy of M.R. No. 13/15 948

M 19 - Xerox copy of M.R. No. 15/06117

M 20 - Xerox copy of M.R. No.21/06119

M 21 - Xerox copy of M.R. No. 13/08512

M 22 - Xerox copy of M.R. No.23/08512



M 23 - Xerox copy of M.R. No. 10/08513  
 M 24 - Xerox copy of M.R. No. 11/08514  
 M 25 - Xerox copy of M.R. No. 15/20861  
 M 26 - Xerox copy of M.R. No. 18/20861  
 M 27 - Xerox copy of M.R. No. 12/20862  
 M 28 - Xerox copy of M.R. No. 11/20863  
 M 29 - Xerox copy of M.R. No. 03/20867  
 M 30 - Xerox copy of M.R. No. 02/20868  
 M 31 - Xerox copy of M.R. No. 13/20863  
 M 32 - Xerox copy of M.R. No. 12/20869  
 M 33 - Xerox copy of M.R. No. 23/20869  
 M 34 - Xerox copy of M.R. No. 20/04631  
 M 35 - Xerox copy of M.R. No. 24/2  
 M 36 - Xerox copy of M.R. No. 12/4  
 M 37 - Xerox copy of M.R. No. 14/4  
 M 38 - Xerox copy of M.R. No. 4/5  
 M 39 - Xerox copy of M.R. No. 7/5  
 M 40 - Xerox copy of M.R. No. 10/5  
 M 41 - Xerox copy of M.R. No. 11/5  
 M 42 - Xerox copy of M.R. No. 17/5  
 M 43 - Xerox copy of M.R. No. 22/5  
 M 44 - Xerox copy of M.R. No. 4/59  
 M 45 - Xerox copy of M.R. No. 04978  
 M 46 - Xerox copy of M.R. No. 8/06216  
 M 47 - Xerox copy of M.R. No. 07188  
 M 48 - Xerox copy of M.R. No. 7/4427  
 M 49 - Xerox copy of M.R. No. 15/06117  
 M 50 - Xerox copy of M.R. No. 9/06114  
 M 51 - Xerox copy of M.R. No. 18/06114  
 M 52 - Xerox copy of M.R. No. 6/06115  
 M 53 - Xerox copy of M.R. No. 18/06115  
 M 54 - Xerox copy of M.R. No. 1/08511  
 M 55 - Xerox copy of M.R. No. 2/08511  
 M 56 - Xerox copy of M.R. No. 22/08511  
 M 57 - Xerox copy of M.R. No. 13/08512  
 M 58 - Xerox copy of M.R. No. 23/08512  
 M 59 - Xerox copy of M.R. No. 10/08513  
 M 60 - Xerox copy of M.R. No. 15/20861  
 M 61 - Xerox copy of M.R. No. 18/20861  
 M 62 - Xerox copy of M.R. No. 12/20862  
 M 63 - Xerox copy of M.R. No. 11/20863  
 M 64 - Xerox copy of M.R. No. 19/20863  
 M 65 - Xerox copy of M.R. No. 11/20864  
 M 66 - Xerox copy of M.R. No. 09/20866  
 M 67 - Xerox copy of M.R. No. 03/20867  
 M 68 - Xerox copy of M.R. No. 14/20867  
 M 69 - Xerox copy of M.R. No. 02/20868  
 M 70 - Xerox copy of M.R. No. 12/20869

M 71 - Xerox copy of M.R. No. 06/21253  
 M 72 - Xerox copy of M.R. No. 13/27  
 M 73 - Xerox copy of M.R. No. 19/29  
 M 74 - Xerox copy of M.R. No. 4/29  
 M 75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का.आ. 2000.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट (संदर्भ संख्या 704/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/191/99—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 2000.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 704/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/191/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

Present : K. KARTHIKEYAN,

Presiding Officer

INDUSTRIAL DISPUTE NO. 704/2001

(Tamil Nadu Principal Labour Court CGID.  
No. 354/99).

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri R. Srinivasan and the Management of Telecommunications, Kancheepuram Dist., Chennai).

BETWEEN

Sri R. Srinivasan : I Party/Workman

AND

The General Manager : II Party/Management  
Telecommunications,  
Kancheepuram Dist.,  
Chennai.

## APPEARANCES :

For the Workman : M/s. M. Gnanasekaran,  
C. Premavathy,  
Advocates

For the Management : Sri. K. Sambasivam  
Addl. C. G. S. C.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/191/99/IR (DU) dated 27-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 354/99. When the matter was pending enquiry in that Principal Labour Court, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 704/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 01-11-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after bearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

## AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri R. Srinivasan, Casual Mazdoor is legal and justified? If not, to what relief is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri R. Srinivasan (hereinafter refers to as Petitioner) was engaged as casual labour the II Party/Management Telecom. Departemnt (hereinafter refers to as Respondent) on 01-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner

has been continuously working with the Respondent, and has put in 2040 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulate a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary the I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondents/Telecom Departments for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-6-1995 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-12-1984 and his contention about continuous working with the Respondent/Department for a period of 240 number of days of service and

the alleged termination of the Petitioner from service on 15-6-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of 143 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers' who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K. Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P.

Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the service certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is -

"Whether the action of the General Manager, Telecommunications Chengalpattu in terminating the service of Shri R. Srinivasan, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?"

**Point : -**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the service certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoor only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and after their direction they went to see the Assistant Engineer, and

requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department

and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that Service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the

work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The

Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined:

##### For the I Party/Workmen:—

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management:—

M.W. 1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

**Common Documents Marked:****For the I Party/Workmen:—**

- W 1 - Series(7) - Original service certificates issued in favour of Petitioners.
- W 2 - Original Service Note Book.
- W3 - Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:-**

- M 1 - Xerox copy of the service certificate issued in favour of Petitioners.
- M 2 - Xerox copy of M.R. No. 05850
- M 3 - Xerox copy of M.R. No.05851
- M 4 - Xerox copy of M.R. No. 07188
- M 5 - Xerox copy of M.R. No. 07193
- M 6 - Xerox copy of M.R. No. 19/04693
- M 7 - Xerox copy of M.R. No. 18/04693
- M 8 - Xerox copy of M.R. No. 3/06114
- M 9 - Xerox copy of M.R. No. 9/06114
- M 10 - Xerox copy of M.R. No. 18/06114
- M 11 - Xerox copy of M.R.No. 6/06115
- M 12 - Xerox copy of M.R.No. 5/06115
- M 13 - Xerox copy of M.R. No. 18/06115
- M 14 - Xerox copy of M.R. No. 1/08511
- M 15 - Xerox copy of M.R. No. 19/07289
- M 16 - Xerox copy of M.R. No. 7/4427
- M 17 - Xerox copy of M.R. No. 4/4431
- M 18 - Xerox copy of M.R. No. 13/15948
- M 19 - Xerox copy of M.R. No. 15/06117
- M 20 - Xerox copy of M.R. No. 21/06119
- M 21 - Xerox copy of M.R. No. 13/08512
- M 22 - Xerox copy of M.R. No. 23/08512
- M 23 - Xerox copy of M.R. No. 10/08513
- M 24 - Xerox copy of M.R. No. 11/08514
- M 25 - Xerox copy of M.R. No. 15/20861
- M 26 - Xerox copy of M.R. No. 18/20861
- M 27 - Xerox copy of M.R. No. 12/20862
- M 28 - Xerox copy of M.R. No. 11/20863
- M 29 - Xerox copy of M.R. No. 03/20867
- M 30 - Xerox copy of M.R. No. 02/20868
- M 31 - Xerox copy of M.R. No. 13/20863
- M 32 - Xerox copy of M.R. No. 12/20869

- M 33 - Xerox copy of M.R. No. 23/20869
- M 34 - Xerox copy of M.R. No. 20/04631
- M 35 - Xerox copy of M.R. No. 24/2
- M 36 - Xerox copy of M.R. No. 12/4
- M 37 - Xerox copy of M.R. No. 14/4
- M 38 - Xerox copy of M.R. No. 4/5
- M 39 - Xerox copy of M.R. No. 7/5
- M 40 - Xerox copy of M.R. No. 10/5
- M 41 - Xerox copy of M.R. No. 11/5
- M 42 - Xerox copy of M.R. No. 17/5
- M 43 - Xerox copy of M.R. No. 22/5
- M 44 - Xerox copy of M.R. No. 4/59
- M 45 - Xerox copy of M.R. No. 04978
- M 46 - Xerox copy of M.R. No. 8/06216
- M 47 - Xerox copy of M.R. No. 07188
- M 48 - Xerox copy of M.R. No. 7/4427
- M 49 - Xerox copy of M.R. No. 15/06117
- M 50 - Xerox copy of M.R.No. 9/06114
- M 51 - Xerox copy of M.R. No. 18/06114
- M 52 - Xerox copy of M.R. No.6/06115
- M 53 - Xerox copy of M.R. No. 18/06115
- M 54 - Xerox copy of M.R. No. 1/08511
- M 55 - Xerox copy of M.R. No .2/08511
- M 56 - Xerox copy of M.R. No. 22/08511
- M 57 - Xerox copy of M.R. No. 13/08512
- M 58 - Xerox copy of M.R. No. 23/08512
- M 59 - Xerox copy of M.R. No. 10/08513
- M 60 - Xerox copy of M.R. No. 15/20861
- M 61 - Xerox copy of M.R. No. 18/20861
- M 62 - Xerox copy of M.R. No. 12/20862
- M 63 - Xerox copy of M.R. No. 11/20863
- M 64 - Xerox copy of M.R. No. 19/20863
- M 65 - Xerox copy of M.R. No. 11/20864
- M 66 - Xerox copy of M.R. No. 09/20866
- M 67 - Xerox copy of M.R. No. 03/20867
- M 68 - Xerox copy of M.R. No. 14/20867
- M 69 - Xerox copy of M.R. No. 02/20868
- M 70 - Xerox copy of M.R. No. 12/20869
- M 71 - Xerox copy of M.R. No. 06/21253
- M 72 - Xerox copy of M.R. No. 13/27
- M 73 - Xerox copy of M.R. No. 19/29
- M 74 - Xerox copy of M.R. No. 4/29
- M 75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का. आ. 2001.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 725/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/197/99-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 2001.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 725/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/197/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT:

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE No. 725/2001

(Tamil Nadu Principal Labour Court CGID No. 375/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri T. Ashok and the Management of Telecommunications, Kancheepuram Dist. Chennai.)

BETWEEN

Sri T. Ashok : I Party/Workman

AND

The General Manager, : II Party/Management

Telecommunications,

Kancheepuram Distt., Chennai.)

APPEARANCE :

For the Workman : M/s.M.Gnanasekaran,

C. Premavathy, Advocates

For the Management : Sri K. Sambasivam, Addl.

CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/197/99/IR(DU) dated 29-09-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 375/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 725/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 18-10-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecom., Kancheepuram in terminating the services of the workman Shri T. Ashok is legal and justified? If not, to what relief, is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri T. Ashok (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 29-06-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1422 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-03-95 and, when his services were terminated he was getting Rs.60/- as daily wages. When

he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/ Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-3-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-3-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 29-06-84 and his contention about continuous working with the Respondent/Department for a period of 1422 number of days of service and the alleged termination of the Petitioner from service on 25-03-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the Unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages for a short spell during 1995 for a period of 119 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in ID.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibit. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The



learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the General Manager, Telecom, Kancheepuram in terminating the services of the workman Shri T. Ashok is legal and justified? If not, to what relief, he is entitled?”

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/ Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant

Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/ Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/ Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/ Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/ Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific

stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case,

it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that this Petitioner had not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department,

the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any baize during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined:—

##### For the I Party/Workmen:—

WW1 - Sh. K. Umapathy (Petitioner in I.D. No. 156 2001)

WW2 - Sh. K. Mohan (Petitioner in I.D. 2622001)

##### For the II Party/Management: —

M.W. 1 Sh. P. Chandrasekar (DE(Legal & Commercial) Examined in I.D. No. 11/2001 and has taken as Common evidence in this case

#### Common Documents Marked :—

##### For the I Party/Workmen :-

W1 Series(7) - Original service certificates issued in

favour of Petitioners.

W2

- Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### For the II Party/Management:—

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R.No. 6/06115

M12 - Xerox copy of M.R.No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M 15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No.4/4431

M1 8 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No.7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

- M43 - Xerox copy of M.R. No.22/5
- M44 - Xerox copy of M.R. No.4/59
- M45 - Xerox copy of M.R. No.04978
- M46 - Xerox copy of M.R. No. 8/06216
- M47 - Xerox copy of M.R. No.07188
- M48 - Xerox copy of M.R. No.7/4427
- M49 - Xerox copy of M.R. No. 15/06117
- M50 - Xerox copy of M.R.No. 9/06114
- M51 - Xerox copy of M.R. No. 18/06114
- M52 - Xerox copy of M.R. No. 6/06115
- M53 - Xerox copy of M.R. No. 18/06115
- M54 - Xerox copy of M.R. No. 1/08511
- M55 - Xerox copy of M.R. No. 2/08511
- M56 - Xerox copy of M.R. No. 22/08511
- M57 - Xerox copy of M.R. No. 13/08512
- M58 - Xerox copy of M.R. No. 23/08512
- M59 - Xerox copy of M.R. No. 10/08513
- M60 - Xerox copy of M.R. No. 15/20861
- M61 - Xerox copy of M.R. No. 18/20861
- M62 - Xerox copy of M.R. No. 12/20862
- M63 - Xerox copy of M.R. No. 11/20863
- M64 - Xerox copy of M.R. No. 19/20863
- M65 - Xerox copy of M.R. No. 11/20864
- M66 - Xerox copy of M.R. No. 09/20866
- M67 - Xerox copy of M.R. No. 03/20867
- M68 - Xerox copy of M.R. No. 14/20867
- M69 - Xerox copy of M.R. No. 02/20868
- M70 - Xerox copy of M.R. No. 12/20869
- M71 - Xerox copy of M.R. No. 06/21253
- M72 - Xerox copy of M.R. No. 13/27
- M73 - Xerox copy of M.R. No. 19/29
- M74 - Xerox copy of M.R. No. 4/29
- M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का.आ. 2002.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 727/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/201/99—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 2002.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 727/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in

the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/201/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer  
ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT :

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 727/2001

(Tamil Nadu Principal Labour Court CGID.  
No. 377/99).

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri G. Ramakrishnan and the Management of Telecommunications, Kancheepuram Dist., Chennai].

BETWEEN

Sri G. Ramakrishnan : I Party/Workman

AND

The General Manager : II Party/Management  
Telecommunications,  
Kancheepuram Dist.,  
Chennai.

APPEARANCE :

For the Workman : M/s. M. Gnanasekaran,  
C. Premavathy,  
Advocates

For the Management : Sri.R. Kanniappan  
Addl. C. G. S. C.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/201/99/IR (DU) dated 13-10-1999.

This reference has been made earlier to the Tamil Nadu Principal Labour Court, where it was taken on file as C.G.I.D. No. 377/99. When the matter was pending enquiry in that Principal Labour Court, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Principal Labour Court to this Tribunal for adjudication. On receipt of records from that Principal Labour Court, the case has been taken on file as I.D. No. 727/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 01-11-2001. On receipt of notice from this Tribunal, the counsels on either side present along with

their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Shri G. Ramakrishnan, Casual Mazdoor is legal and justified ? If not, to what relief is he entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri G. Ramakrishnan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-02-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1799 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before

his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-1995 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-02-1984 and his contention about continuous working with the Respondent/Department for a period of 1799 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31.3.1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found

to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the Xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the service certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the action of the General Manager, Telecommunications, Chengalpattu in terminating the services of Sri G. Ramakrishnan, Casual Mazdoor is legal and justified? If not, to what relief is he entitled?"

**Point : —**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. WW1 served WW2 and WW3 series, the service certificates of WW1 and WW2

respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per the direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/ Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the

Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for this Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross

examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The Xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the

particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department they would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that this Petitioner have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourer only for the short period and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable,

legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:—**

**For the I Party/Workmen:—**

- W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)
- W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:—**

- M.W. 1 - Sh. P. Chandrasekar [DE (Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case

**Common Documents Marked :—**

**For the I Party/Workmen :-**

- W1 Series(7) - Original service certificates issued in favour of Petitioners.
- W2 - Original Service Note Book.
- W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:-**

- M1 - Xerox copy of the service certificate issued in favour of Petitioners.
- M2 - Xerox copy of M.R. No.05850
- M3 - Xerox copy of M.R. No.05851
- M4 - Xerox copy of M.R. No.07188
- M5 - Xerox copy of M.R. No.07193
- M6 - Xerox copy of M.R. No. 19/04693
- M7 - Xerox copy of M.R. No. 18/04693
- M8 - Xerox copy of M.R. No.3/06114
- M9 - Xerox copy of M.R. No.9/06114
- M10 - Xerox copy of M.R. No. 18/06114
- M11 - Xerox copy of M.R.No.6/06115



M12 - Xerox copy of M.R.No.5/06115  
 M13 - Xerox copy of M.R. No.18/06115  
 M14 - Xerox copy of M.R. No.1/08511  
 M15 - Xerox copy of M.R. No.19/07289  
 M16 - Xerox copy of M.R. No.7/4427  
 M17 - Xerox copy of M.R. No.4/4431  
 M18 - Xerox copy of M.R. No.13/15 948  
 M19 - Xerox copy of M.R. No.15/06117  
 M20 - Xerox copy of M.R. No.21/06119  
 M21 - Xerox copy of M.R. No.13/08512  
 M22 - Xerox copy of M.R. No.23/08512  
 M23 - Xerox copy of M.R. No.10/08513  
 M24 - Xerox copy of M.R. No.11/08514  
 M25 - Xerox copy of M.R. No.15/20861  
 M26 - Xerox copy of M.R. No.18/20861  
 M27 - Xerox copy of M.R. No.12/20862  
 M28 - Xerox copy of M.R. No.11/20863  
 M29 - Xerox copy of M.R. No.03/20867  
 M30 - Xerox copy of M.R. No.02/20868  
 M31 - Xerox copy of M.R. No.13/20863  
 M32 - Xerox copy of M.R. No.12/20869  
 M33 - Xerox copy of M.R. No.23/20869  
 M34 - Xerox copy of M.R. No.20/04631  
 M35 - Xerox copy of M.R. No.24/2  
 M36 - Xerox copy of M.R. No.12/4  
 M37 - Xerox copy of M.R. No.14/4  
 M38 - Xerox copy of M.R. No.4/5  
 M39 - Xerox copy of M.R. No.7/5  
 M40 - Xerox copy of M.R. No.10/5  
 M41 - Xerox copy of M.R. No.11/5  
 M42 - Xerox copy of M.R. No.17/5  
 M43 - Xerox copy of M.R. No.22/5  
 M44 - Xerox copy of M.R. No.4/59  
 M45 - Xerox copy of M.R. No.04978  
 M46 - Xerox copy of M.R. No.8/06216  
 M47 - Xerox copy of M.R. No.07188  
 M48 - Xerox copy of M.R. No.7/4427  
 M49 - Xerox copy of M.R. No.15/06117  
 M50 - Xerox copy of M.R.No.9/06114  
 M51 - Xerox copy of M.R. No.18/06114  
 M52 - Xerox copy of M.R. No.6/06115  
 M53 - Xerox copy of M.R. No.18/06115  
 M54 - Xerox copy of M.R. No.1/08511  
 M55 - Xerox copy of M.R. No.2/08511  
 M56 - Xerox copy of M.R. No.22/08511  
 M57 - Xerox copy of M.R. No.13/08512  
 M58 - Xerox copy of M.R. No.23/08512  
 M59 - Xerox copy of M.R. No.10/08513  
 M60 - Xerox copy of M.R. No.15/20861  
 M61 - Xerox copy of M.R. No.18/20861  
 M62 - Xerox copy of M.R. No.12/20862  
 M63 - Xerox copy of M.R. No.11/20863

M64 - Xerox copy of M.R. No.19/20863  
 M65 - Xerox copy of M.R. No.11/20864  
 M66 - Xerox copy of M.R. No.09/20866  
 M67 - Xerox copy of M.R. No.03/20867  
 M68 - Xerox copy of M.R. No.14/20867  
 M69 - Xerox copy of M.R. No.02/20868  
 M70 - Xerox copy of M.R. No.12/20869  
 M71 - Xerox copy of M.R. No.06/21253  
 M72 - Xerox copy of M.R. No.13/27  
 M73 - Xerox copy of M.R. No.19/29  
 M74 - Xerox copy of M.R. No. 4/29  
 M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का.आ. 2003.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंधाट (संदर्भ संख्या 258/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/204/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 2003.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 258/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/204/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT : K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO.258/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 299/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Shri G. Ravi and the

Management of Telecommunications, Kancheepuram Distt., Chennai).

# BETWEEN

Sri G. Ravi : I Party/Workman

# AND

The General Manager : II Party/Management  
Telecommunications,  
Kancheepuram Distt.,  
Chennai.

# APPEARANCE :

For the Workman : M/s. M. Gnanasekar  
C. Premavathi,  
G. Manjula,  
Advocates -

For the Management : Sri R. Kanniappan  
Addl. C.G.S.C.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/204/99/IR (DU) dated 13-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal Chennai, where it was taken on file as I.D. No. 299/99. When the matter was pending enquiry in that the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal the case has been taken on file as I.D. No. 258/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 09-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

# AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating

the services of Shri G. Ravi, as Casual Mazdoor is legal and justified ? If so, to what relief is he entitled ?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri G. Ravi (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom. Department (hereinafter refers to as Respondent) on 01-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of as Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1074 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminate he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondents/Telecom Departments for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this

industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-1995 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-03-1985 and his contention about continuous working with the Respondent/Department for a period of 1074 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages in 1995 for a period of 103 days. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D. No.156/2001, and Sri K. Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service Certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

"Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Sri G. Ravi, as Casual Mazdoor is legal and justified? If so, to what relief is he entitled?"

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service Certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of the respective termination from service as mentioned in their respective

Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the

said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for this Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1985 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are

not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that this Petitioner had not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for the short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management

department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any base during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telcom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:-**

**For the I Party/Workmen:-**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh.K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:-**

M.W.1 - Sh. P. Chandrasekar [DE(Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

**Common Documents Marked :-**

**For the I Party/Workmen :-**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management :-**

- M1 - Xerox copy of the service certificate issued in favour of Petitioners.
- M2 - Xerox copy of M.R. No. 05850
- M3 - Xerox copy of M.R. No. 05851
- M4 - Xerox copy of M.R. No. 07188
- M5 - Xerox copy of M.R. No. 07193
- M6 - Xerox copy of M.R. No. 19/04693
- M7 - Xerox copy of M.R. No. 18/04693
- M8 - Xerox copy of M.R.No. 3/06114
- M9 - Xerox copy of M.R. No. 9/06114
- M10 - Xerox copy of M.R. No. 18/06114
- M11 - Xerox copy of M.R. No. 6/06115
- M12 - Xerox copy of M.R. No. 5/06115
- M13 - Xerox copy of M.R. No. 18/06115
- M14 - Xerox copy of M.R. No. 1/08511
- M15 - Xerox copy of M.R. No. 19/07289
- M16 - Xerox copy of M.R. No. 7/4427
- M17 - Xerox copy of M.R. No. 4/4431
- M18 - Xerox copy of M.R. No. 13/15 948
- M19 - Xerox copy of M.R. No. 15/06117
- M20 - Xerox copy of M.R. No. 21/06119
- M21 - Xerox copy of M.R. No. 13/08512
- M22 - Xerox copy of M.R. No. 23/08512
- M23 - Xerox copy of M.R. No. 10/08513
- M24 - Xerox copy of M.R. No. 11/08514
- M25 - Xerox copy of M.R. No. 15/20861

- M26 - Xerox copy of M.R. No. 18/20861
- M27 - Xerox copy of M.R. No. 12/20862
- M28 - Xerox copy of M.R. No. 11/20863
- M29 - Xerox copy of M.R. No. 03/20867
- M30 - Xerox copy of M.R. No.02/20868
- M31 - Xerox copy of M.R. No. 13/20863
- M32 - Xerox copy of M.R. No. 12/20869
- M33 - Xerox copy of M.R. No. 23/20869
- M34 - Xerox copy of M.R. No. 20/04631
- M35 - Xerox copy of M.R. No. 24/2
- M36 - Xerox copy of M.R. No. 12/4
- M37 - Xerox copy of M.R. No. 14/4
- M38 - Xerox copy of M.R. No. 4/5
- M39 - Xerox copy of M.R. No. 7/5
- M40 - Xerox copy of M.R. No. 10/5
- M41 - Xerox copy of M.R. No. 11/5
- M42 - Xerox copy of M.R. No. 17/5
- M43 - Xerox copy of M.R. No. 22/5
- M44 - Xerox copy of M.R. No. 4/59
- M45 - Xerox copy of M.R. No. 04978
- M46 - Xerox copy of M.R. No. 8/06216
- M47 - Xerox copy of M.R. No. 07188
- M48 - Xerox copy of M.R. No. 7/4427
- M49 - Xerox copy of M.R. No. 15/06117
- M50 - Xerox copy of M.R.No. 9/06114
- M51 - Xerox copy of M.R. No. 18/06114
- M52 - Xerox copy of M.R. No. 6/06115
- M53 - Xerox copy of M.R. No. 18/06115
- M54 - Xerox copy of M.R. No. 1/08511
- M55 - Xerox copy of M.R. No. 2/08511
- M56 - Xerox copy of M.R. No. 22/08511
- M57 - Xerox copy of M.R. No. 13/08512
- M58 - Xerox copy of M.R. No. 23/08512
- M59 - Xerox copy of M.R. No. 10/08513
- M60 - Xerox copy of M.R. No. 15/20861
- M61 - Xerox copy of M.R. No. 18/20861
- M62 - Xerox copy of M.R. No. 12/20862
- M63 - Xerox copy of M.R. No. 11/20863
- M64 - Xerox copy of M.R. No. 19/20863
- M65 - Xerox copy of M.R. No. 11/20864
- M66 - Xerox copy of M.R. No. 09/20866
- M67 - Xerox copy of M.R. No. 03/20867
- M68 - Xerox copy of M.R. No. 14/20867
- M69 - Xerox copy of M.R. No. 02/20868
- M70 - Xerox copy of M.R. No. 12/20869
- M71 - Xerox copy of M.R. No. 06/21253
- M72 - Xerox copy of M.R. No. 13/27
- M73 - Xerox copy of M.R. No. 19/29
- M74 - Xerox copy of M.R. No. 4/29
- M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 24 मई, 2002

**का.आ.2004.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चण्डीगढ़ के पंचाट (संदर्भ संख्या 224/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[ सं. एल-40012/215/99—आई.आर. (डी.यू.) ]  
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 24th May, 2002

**S.O.2004.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 224/99) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-40012/215/99—IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER,  
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 224/99

Shri Shashi Kamal  
S/o Sh. Sarav Ram  
Vill. & P. O. : Dugrin,  
Teh. Behogram,  
Hamirpur (Distt.)-210301

..... Petitioner

Vs

The Telecom Distt. Manager,  
Telecommunication, Hamirpur  
(Distt.)-210301.

..... Respondent

#### APPEARANCES :

For the Workman : Shri D. R. Sharma  
For the Management : None.

#### AWARD

(Passed on 3rd January, 2002)

(The Central Govt. Ministry of Labour vide Notification No. L-40012/215/99/IR(DU) dated 21st October, 1999 has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the Telecom Distt. Manager, Hamirpur (H.P.) in terminating the services of Sh. Shashi Kamal S/o Sh. Sarav Ram w.e.f. 1-8-96 and again w.e.f. 10-11-98 is legal & justified? If not, to what relief he is entitled?

2. Despite several notices none has put up appearance on behalf of the management so the management was proceeded exparte. The workman filed claim statement stating that the applicant was engaged as daily rated mazdoor on 29-9-1995 and continued by the management till 31-7-1996. His services were terminated by the management w.e.f. 1-8-96. Experience certificate was also issued by the JTO and thus he has complied more than 240 days of service excluding Sunday and leave. That in the year 1996 there were some vacancies with the management and the name of the workman was sponsored by the employment exchange on the basis of experience, he was also interviewed along with other candidates but at the cost of ignoring the applicant the management offered the appointment to the persons who have no experience whose names are Kaldeep Chand, Rajinder Kumar, Rajan Sharma, Balbir Singh, Vikas Kumar, Pawan Kumar and Sanjeev Kumar. Against the termination by the management the applicant approached the Hon'ble High Court and the Hon'ble High Court directed the management to re-engage him into service on the same terms and conditions. Later on 27-1-1996 the writ petition was dismissed by the Hon'ble Court for want jurisdiction, The workman again approached the C.A.T. Chandigarh Bench against the terminating of the workman. The C. A. T. also observed that the claimant may approach the appropriate forum for necessary relief. It is thus claimed by the workman that though he continued working since 1995 till date and had completed more than three years and had completed 240 days in the year 1996, 1997 and 1998 respectively and the fact is there and the similarly situated workman are getting Rs. 3200 per month but all of sudden on 9-11-1998 his services were terminated without following the procedure prescribed under the I.D. Act 1947.

3. No written statement has been filed as the management choose not to attend the proceeding despite several opportunities and notices. The workman was asked to lead evidence. In evidence the workman filed his affidavit alongwith the documents which are Ex. W2 to W6. In affidavit the applicant deposes that he continued working w.e.f. 29-9-1995 to 10-11-1998 and had completed more than 240 days during the one calendar year immediately before the terminating of the applicant.

4. I have carefully gone through the record of the case and heard the counsel for the applicant.

5. In the present case there is no rebuttal of the claim of the workman. According to the claim made by the applicant worked from 29-9-1995 to 10-11-1998 continuously and at the time of terminating of his service

no notice, notice pay and retrenchment compensation was paid to the workman. Other persons mentioned in the claim statement were employed by the management. He was not given reinstatement even after serving the management for more than three years. The workman has placed on record Ex. W2 experience certificate issued by the J.T.O., Telephone exchange Nadaun dated 14-5-1996 in which the applicant shown to have worked from 29-9-95. Ex. W3 is another experience certificate issued by the same officer in which he has shown to have worked from November 95 to 31-7-1996. Thus the workman had put in more than 240 days of services in one calendar year. In my considered opinion, since the management has violated the mandatory provisions of Section 25-F of the I.D. Act, the workman deserves to be reinstatement in service with all the attending benefits including backwages and continuity of service. In view of the above, the action of the Telecom Distt. Manager Hamirpur (H.P.) in terminating the services of Shri Shashi Kamal son of Sh. Sarav Ram w.e.f. 1-8-1996 and again on 10-11-1998 is unjustified. The workman is entitled to be reinstated in service w.e.f. 10-11-1998 with full back wages and continuity of service. Central Govt. be informed.

Chandigarh.  
3-1-2002

S.M. GOEL, Presiding Officer

नई दिल्ली, 24 मई, 2002

**का.आ.2005.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चण्डीगढ़ के पंचाट (संदर्भ संख्या 223/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/216/99—आई.आर. (डी.यू.)]  
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 24th May, 2002

**S.O.2005.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 223/99) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-40012/216/99—IR (DU)]  
KULDIP RAI VERMA, Desk Officer

## ANNEXURE

BEFORE SHRI S. M. GOEL, PRESIDING OFFICER,  
CENTRAL GOVT., INDUSTRIAL TRIBUNAL-  
CUM-LABOUR COURT, CHANDIGARH

Case No. I.D. 223/99

Shri Raj Kumar  
S/o Sh. Roop Lal  
Vill. & Post Office Dungrin,  
Teh. Bhoraj, Hamirpur  
(Distt.)-210301

..... Petitioner

Vs.

The Telecom Distt. Manager,  
Telecommunication, Hamirpur  
(Distt.)-210301.

..... Respondent

## APPEARANCES :

For the workman : Shri D. R. Sharma  
For the Management : None.

## AWARD

(Passed on 3rd January, 2002)

(The Central Govt. Ministry of Labour vide Notification No. L-40012/216/99/IR(DU) dated 21st October, 1999 has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the Telecom Distt. Manager, Hamirpur (H.P.) in terminating the services of Sh. Raj Kumar S/o Sh. Roop Lal w.e.f. 1-8-96 and again w.e.f. 10-11-98 is legal & justified? If not, to what relief he is entitled?

2. Despite several notices none has put up appearance on behalf of the management so the management was proceeded exparte. The workman filed claim statement stating that the applicant was engaged as daily rated mazdoor on 29-9-1995 and continued by the management till 31-7-1996. His services were terminated by the management w.e.f. 1-8-96. Experience certificate was also issued by the JTO and thus he has complied more than 240 days of service excluding Sunday and leave. That in the year 1996 there were some vacancies with the management and the name of the workman was sponsored by the employment exchange on the basis of experience, he was also interviewed alongwith other candidates but at the cost of ignoring the applicant the management offered the appointment to the persons who have no experience whose names are Kaldeep Chand, Rajinder Kumar, Rajan Sharma, Balbir Singh, Vikas Kumar, Pawan Kumar and Sanjeev Kumar. Against the termination by the management the applicant



approached the Hon'ble High Court and the Hon'ble High Court directed the management to re-engage him into service on the same terms and conditions. Later on 27-10-1996 the writ petition was dismissed by the Hon'ble High Court for want of jurisdiction. The workman again approached the C.A.T. Chandigarh Bench against the terminating of the workman. The C. A. T. also observed that the claimant may approach the appropriate forum for necessary relief. It is thus claimed by the workman though he continued working since 1995 till date and had completed more than three years and had completed 240 days in the year 1996, 1997 and 1998 respectively and the fact is there and the similarly situated workman are getting Rs. 3200 per month but all of sudden on 9-11-1998 his services were terminated without following the procedure prescribed under the I.D. Act, 1947.

3. No written statement has been filed as the management chose not to attend the proceedings despite several opportunities and notices. The workman was asked to lead evidence. In evidence the workman filed his affidavit along with the documents which are Ex. W2 to W6. In affidavit the applicant deposes that he continued working w.e.f. 29-9-1995 to 10-11-1998 and had completed more than 240 days during the one calendar year immediately before the termination of the applicant.

4. I have carefully gone through the record of the case and heard the counsel for the applicant.

5. In the present case there is no rebuttal of the claim of the workman. According to the claim made by the applicant worked from 29-9-1995 to 10-11-1998 continuously and at the time of termination of his service no notice, notice pay and retrenchment compensation was paid to the workman. Other persons mentioned in the claim statement were employed by the management. He was not given reinstatement even after serving the management for more than three years. The workman has placed on record Ex. W2 experience certificate issued by the J.T.O., Telephone Exchange Nadaun dated 14-5-96 in which the applicant shown to have worked from 29-9-95. Ex. W3 is another experience certificate issued by the same officer in which he has shown to have worked from November 95 to 31-7-1996. Thus the workman had put in more than 240 days of services in one calendar year. In my considered opinion, since the management has violated the mandatory provisions of Section 25-F of the I.D. Act, the workman deserves to be reinstatement in service with all the attendant benefits including backwages and continuity of service. In view of the above, the action of the Telecom Distt. Manager Hamirpur (H.P.) in terminating the services of Shri Raj Kumar son of Sh. Roop Lal w.e.f. 1-8-1996 and again on 10-11-1998 is unjustified. The workman is entitled to be reinstated in service w.e.f. 10-11-1998 with full backwages and continuity of service. Central Govt. be informed

Chandigarh.

3-1-2002

S. M. GOEL, Presiding Officer

नई दिल्ली, 24 मई, 2002

का.आ.2006.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोलकाता टेलीफोन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकाता के पंचाट (संदर्भ संख्या 27/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/222/95—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 24th May, 2002

S.O.2006.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No.27/97) of the Central Government Industrial Tribunal/Labour Court Kolkata now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Calcutta Telephone and their workman, which was received by the Central Government on 24-5-2002.

[No. L-40012/222/95-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

CENTRAL GOVT., INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 27 of 1997

#### PARTIES :

Employers in relation to the management of Chief General Manager, Calcutta Telephone

AND

Their workman

#### PRESENT :

Mr. Justice Bharat Prasad Sharma,  
Presiding Officer

#### APPEARANCE :

On behalf of Management : Mr. T. Chowdhury,  
Advocate.

On behalf of Workman : Mr. M. Dutta,  
Advocate.

State : West Bengal.

Dated: 13th May, 2002.

Industry

Telephones

#### AWARD

By Order No. L-40012/222/95-IR(DU) dated 9th July, 1997 the Central Government in exercise of its powers under section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of Calcutta Telephone, Calcutta by termination the services of Shri Tapas Kumar Paul w.e.f. 1-7-94 is justified? If not, what relief the workman is entitled for?”

2. The present industrial dispute has been raised by a workman, Shri Tapas Kumar Paul on account of his termination of service by the management of Calcutta Telephone with effect from 01-07-1994 in casual manner without complying with the requirements of Section 25F of the Industrial Disputes Act, 1947.

3. From the written statement filed on behalf of the workman it appears that he was appointed as a casual workman under the Calcutta Telephone on 02-01-1988 to do some perennial nature of job like permanent workers and he was attached with the office of the S.D.O. (P) of 52/56 Exchange, Calcutta. It is further stated that from the date of his appointment he had been working under the Company with full satisfaction of his superiors and had a clean and meritorious record, but all on a sudden in very unceremonious manner his service was verbally terminated with effect from 01-07-1994 without assigning any reason which was in contravention of the mandatory provision of Section 25F of the Act. According to the workman from the date of his appointment till termination, he had worked continuously and performed perennial nature of job with the tools and implements supplied by the Company under the direct control and supervision of the concerned Junior Telecom Officer and completed more than 240 days of work in each year, particularly during the 12 calendar months preceding the date of his retrenchment. Thus, according to him, the action of the Company in terminating his service by verbal order with effect from 01-07-1994 was a ‘retrenchment’ within the meaning of Section 2(oo) of the Act and since the Company failed to pay retrenchment compensation and/or notice pay in lieu of notice as provided in Section 25F of the Act and since the workman completed more than 240 days of work preceding his retrenchment, the said action of the Company is invalid and void. It is stated that it is incumbent on the part of the employer to pay retrenchment compensation and/or one month’s wage in lieu of notice and it has not been done in the present case, and therefore, the retrenchment is illegal and invalid. It is also further stated that the workman concerned had made several verbal representations to the Company and to the concerned S.D.O.(P.) who admitted his claim to be genuine, but expressed his inability to reinstate him in service. It is further stated that the workman had to sign attendance register on attending office on every working day and wages were paid on the basis of the attendance so recorded in the register and the wages were paid through vouchers named as ACG-17 vouchers. It is stated that he used to sign ACG-17 vouchers every month for drawing his salary. It is also further stated that all documents in connection with his service including attendance register and ACG-17 vouchers are in the

custody of the officers of the Company and those documents are preserved in normal course of business. It is stated that if those documents are produced, it would establish that the workman completed more than 240 days of work in all the years and particularly during twelve calendar months preceding the date of his retrenchment. It is stated that when in spite of his several representations, verbal and in writing, the Company did not take any action, the workman approached the Regional Labour Commissioner (Central), Calcutta and raised the dispute. Then the meetings were held for conciliation, but it failed in view of the hard attitude of the management and accordingly the failure report was sent to the appropriate Government and the reference has been made. It is also further stated that the termination of service of the workman is also unjustified and discriminatory in view of the fact that in the year 1994 the Company absorbed a large number of casual workers by circular dated 10-10-1994, but the concerned workman’s service was terminated in gross violation of law and principles of justice and equity. Thus, the action of the management is also in gross violation of the mandatory provision of Section 25G of the Act. Accordingly, the workman prayed for his reinstatement in service with full back wages.

4. A written statement has also been filed on behalf of the management of Calcutta Telephones and in the written statement the allegations made by the workman in different paragraphs of his written statement have been denied. It is stated that the allegations contained in the paragraphs are within the exclusive knowledge of the workman and he is put to strict proof of it. It is denied that the workman had performed any perennial nature of job under the management and it is also denied that the engagement of the workman with the Company commenced on 02-01-1988. It is also denied that the workman had performed 240 days work within any of these calendar years and, therefore, the allegation of contravention of mandatory provision of Section 25F of the Act does not apply. It is also further denied that the workman had performed any perennial nature of job and completed 240 days of work in each year. Actually the management has given a chart of calculation of number of days for which the workman is supposed to have worked with the Company. It is also further stated that since the workman’s engagement falls within the exception (bb) of Section 2(oo) of the Act, the termination of service cannot be termed as ‘retrenchment’. It is also denied that the S.D.O.(P.) had ever admitted the claim of the workman as genuine and the question of his expressing inability to re-engage or re-employ him does not arise. It is also further stated that the circular dated 10-10-1984 has no application to the case of the workman concerned as the workman was not engaged or continued with work on the date of issuance of the circular. It is also further stated that the prayer of the workman is not fit to be maintained in view

of the facts stated above and the denials of the allegations made. It is further stated that two circulars were issued by the Director General, posts & Telegraph on 30th March, 1985 and 22nd June, 1988 in connection with the engagement of casual labour and, therefore, the workman concerned was not liable to be engaged and his engagement itself was illegal and, therefore, his prayer is not fit to be entertained.

5. After the written statement was filed on behalf of the management a rejoinder was also filed on behalf of the workman in which certain allegations made on behalf of the management have been denied and controverted. So far as the chart given in paragraph 2 of the written statement of the management is concerned, it has been denied by the workman and it has been asserted that he actually worked for more than 240 days in each year between the period 02-01-1988 to 01-07-1994. It is alleged that the management deliberately suppressed the number of days worked by the workman in the year 1988 and 1989 and the number of days as shown in the chart for the years 1990, 1991, 1992, 1993 and 1994 are totally false and wrong and according to the workman he had worked continuously in all the months during the aforesaid years and had earned wages for the same. It is also further stated that the management in order to conceal the real number of days worked by the workman from the year 1990 used to make payment in two vouchers for the work done in each month deviding the whole number into two, such as if in a month there is 25 days of work, the said 25 days of work is devided into 15 days and 10 days and so on. It is further asserted that if all the ACG-17 vouchers for the whole period is produced, it will be revealed that the statements made by the management in the written statement are false, misleading and malafide. It is also further stated that the management has maliciously and falsely raised the plea of contractual engagement and there is no material to show that he was ever engaged on contract basis and, therefore, his termination is not attracted by exception (bb) of Section 2(oo) of the Act. However, a petition was subsequently filed by the workman on 2nd July, 1998 stating therein that by mistake two very important documents could not be filed earlier and as the documents are of great importance, the same be accepted into evidence. These documents are two certificates granted by the officers of the management in favour of the workman. However, two seperate petitions were also filed on behalf of the two officers of the management denying that they had issued the certificate as alleged.

6. So far as oral evidence is concerned, the workman examined himself as WW-1 and has stated that he was engaged in the Calcutta Telephones with effect from 02-01-1988 and continued to work there continuously till 01-07-1994 when his service was terminated without

complying with the provisions of section 25F of the Act. According to him as a casual labour he had worked for digging ditch across the road for laying cable lines and his pay was Rs. 45/- per day. He has also stated that he used to be paid through ACG-17 voucher where he had to put his signature. He also further stated that the JTO concerned used to maintain his attendance register. He has also proved the two certificates purported to have been granted by the officers of the Company, marked Exts. W-1 and W-2 respectively. He has further stated that there used to be working days upto 20 to 26 days in a month and he has asserted that all ACG-17 vouchers and the attendance register, if produced, could show the exact period of his employment in the Calcutta Telephones.

7. So far as the management is concerned, it has examined two witnesses. MW-1, Shakti Pada Majumdar happens to be the Junior Telecom Officer of the Calcutta Telephones. He knew the workman Tapas Kumar Paul, who was engaged as casual worker at Kossipur Telephone Exchange. He has stated that he had not issued any certificate to the said Tapas Kumar Paul. He states so regarding Ext. W-2 which is purported to have been issued by him alongwith D.P. Mukherjee who happened to be S.D.O.P. of Kossipore at the relevant time. According to him engagement of the workman was not continuous. He has stated that in course of his duty he had signed many documents, but so far as Ext. W-2 is concerned, he has stated that the document might have been prepared on open space above his signature as he has admitted his signature on the document. He has further stated that the workman had not completed 240 days of continuous work in any of the years of his work. He has, however, stated that the period for which he worked will appear from the note sheets and the ACE-2 accounts which were prepared in ordinary course of business. He has stated that there is no system of maintaining attendance register in his exchange. In his cross-examination, however, he has stated that he found that a total page of a document was missing from the record and the said document was plan and estimate. He further stated that he discovered it after the case came up before this Tribunal. He has further stated that the casual workers are not engaged for work in the office and accordingly it has been suggested to him that he has incorrectly stated that Ext. W-2 was forged or fabricated. He has further stated in his cross-examination that after the discovery of the fact that the paper containing his signature was missing and when he found that a certificate was produced purported to have been signed by him, he did not lodge any complaint to the police in the matter. He has stated that the documents which they used to prepare and sign were kept in the office lying on his table and accordingly it has been suggested to him that the workman concerned, who was a casual labour, had no access to such document. Since this

witness had filed an application denying his signature and denying that he had issued any certificate, Ext. M-2, it was asked from him whether he stated this fact in the petition that some document bearing his signature and the signature of S.D.O.P. was removed from his office or some portion of some document was torn and separated for preparing a certificate, Ext. W-2, and he stated that he did not do so and accordingly it has been suggested to him that he has wrongly denied that the certificate was not issued by him or that it has been forged or fabricated. He has further stated that from June, 1990 to 1994 casual workers were engaged under him and the work of the casual labourers was being supervised by the Cable Joiner. He has further stated that Cable Joiner used to record their attendance in a diary and he used to submit the report regarding actual days of work of such casual workers and he also further admitted that no such record was filed here. He has further stated that no account is maintained regarding the payments made to the casual labourers, except for the ACE-2 accounts. According to him the vouchers for payment were prepared by the Cable Joiner and he has no knowledge as to how the accounts are maintained in the Accounts Office. It was suggested to him that every casual worker used to sign the attendance register maintained in the office, which he has denied and it has also been suggested that the ACE-2 accounts are prepared on the basis of the said attendance register, which he also denied. Accordingly, it has been suggested to him that the actual number of days for which a particular worker has worked can be ascertained only from the attendance register.

The second witness is MW-2, Deboprosad Mukhopadhyay. According to him he joined as S.D.O.P., South Kossipur Exchange on 08-01-1992 and he knew Tapas Kumar Paul the concerned workman who was a casual labour in the exchange during his tenure. According to the witness, the workman was working in the exchange when he had joined. He has, however, stated that he did not work continuously during the years 1992, 1993 and 1994 and according to him the workman had worked on average for 15 days per month. He has further stated that the workman was working since July, 1990 and he continued to work till June, 1994. He has also certified the correctness of the document, Ext. M-4 prepared by him. It is the detailed chart of the working days of the workman concerned. According to him, he prepared the chart on the basis of ACE-2 accounts, but he expressed his inability to say whether all these ACE-2 accounts have been produced here. so far as Ext. W-2 is concerned, the witness has stated that the signature on the certificate is his no doubt, but he has stated that he used to sign many documents everyday in the office and it appears that some of his signature on some paper has been converted into this certificate and he had also filed a petition in this regard denying that he had issued such certificate. His application

is Ext. M-5. He has further stated that no attendance register was maintained regarding casual workman. He has stated in his cross examination that he had consulted the payment vouchers known as ACE-2 accounts while preparing the not Ext. M-4, but he has expressed ignorance whether such documents have been filed. He admits that he prepared Ext. M-4 in 1994 and for preparation of the document he had consulted relevant papers in the Accounts office. It has been suggested to him that the account of the number of days of the workman shown in Ext. M-4 is baseless and imaginary. However, he has also expressed his inability to say whether the workman was working since January, 1988. He has further stated in his cross-examination that the certificate, Ext. W-2, bears the Signature of one Mr. Majumdar who was a J.T.O. under him and he used to sign some document also. He also further stated that the casual labourers used to work in the field and they did not work in the office. He has, however, stated that the casual workman have access to the office and also to the documents as they used to come to the office from time to time. He has further stated that occasionally some papers were left lying on the table. He has further stated that on discovery of the fact that some Certificates have been prepared on some documents which were missing, he did not hold any enquiry in the matter and he simply asked his J.T.O. to prepare another paper. So far as the question of maintaining of attendance register is concerned, he stated that he has no knowledge of any order, instruction or circular to the effect that attendance register was not to be maintained regarding casual workers. According to him the attendance is noted in the diary of the Cable Joiner under whom the casual labour is supposed to work and the Cable Joiner submits report at the end of a month as to how many days a casual worker has worked in a particular month and on its basis the J.T.O. receives money from temporary advance and makes payment to the casual workers on preparation of the vouchers and ACE -2 accounts. However, subsequently the witness stated that the Cable Joiner also does not submit his report in writing; rather, he reports verbally which appears to be absurd statement. He has further stated that J.T.O. seeks the temporary advance in writing and in the requisition they mention the purpose for which the temporary advance is asked. He expressed his ignorance whether any such requisition has been filed here. Therefore, it has been suggested to him that actually the J.T.O. prepares the ACG-17 vouchers on the basis of the attendance marked in the register in his office and it has also been suggested to him that no payment could have been made without the attendance being marked. Accordingly, it has been suggested to him that he has falsely stated that the workman had not worked regularly from 02-01-1988 to 01-07-1994.

8. Out of the documents filed, two documents filed on behalf of the workman marked Exts. W-1 and W-2 are significant. Ext. W-1 is a certificate purported to have been

granted by the Junior Telecom Officer of 52 Exchange on 20th January, 1989. From this document it appears that the total number of days for which the workman is supposed to have worked in the year, 1989 is 243 days. Ext. W-2 is the certificate purported to have been granted by the S.D. O.P. and it also bears the signature of the J.T.O. From this certificate it appears that the workman concerned had worked continuously in 52/56 Exchange as casual labour for the period from 2-1-1988 to 30-11-1993 and that he had worked continuously. It is dated 10-12-93. These two documents are the trump card of the workman.

9. On the other hand, the management has filed and relied on some documents in order to controvert the claim of the workman. Ext. M-1 is the ACE-2 account for the month of August, 1993 and from this account it appears that out of the sum of Rs. 6,000 drawn by the J.T.O., he had paid Rs. 600 to the workman concerned for his work for 15 days in July, 1993 for cable work. Ext. M-2 is also the ACE-2 account prepared in September, 1993 in which out of Rs. 4800 drawn by the J.T.O., the workman concerned was being paid Rs. 600 for his work for 15 days in August, 1993. Ext. M-4 is actually the most controversial document in which the S.D.O.P. concerned, has claimed by MW-2, also prepared a chart of working days of the workman concerned during the years 1990-91, 1991-92, 1992-93 and 1993-94. It has been shown in this chart that the total period for which the workman worked during 1990-91 is 85 days, in 1991-92 is 125 days, 1992-93 it is 165 days and 1993-94 it is 180 days. So far as this document is concerned, it has been revealed from the cross examination of MW-2 that this document was prepared with the help of the documents in the office, i.e., ACE-2 accounts and ACG-17 vouchers, but strangely enough, the vouchers excepting for Exts. M-1 and M-2 have not been filed in spite of the fact that it has been asserted all along on behalf of the workman that his actual number of days of work shall be revealed, if the attendance register and ACG-17 vouchers are produced before the Tribunal.

10. So, for as attendance register is concerned, the workman very clearly stated in paragraph 9 of his written statement that the workman used to sign attendance register on attending office on every working day and wages were paid on the basis of the attendance so recorded in the attendance register and he also stated that the wages were paid through the vouchers, known as ACG-17 vouchers. It is significant to note that in the written statement filed on behalf of the management the averments made in paragraphs 7, 8, 9, 10 and 11 of the written statement of the workman have been denied in paragraph 4, but there is no specific denial that such attendance register is not maintained in the office, either under some order or as a matter of practice and when the parties entered into evidence, for the first time it was

stated by the witness for the management that the attendance register of casual worker is not maintained. Therefore, it has been submitted on behalf of the workman that such evidence cannot be accepted because it amounts to varying between pleadings and proof. In support of his contention learned Advocate for the workman has cited the observations made by their Lordships of the Hon'ble Supreme Court in the case of Vinod Kumar Arora V. Smt. Sujit Kaur (AIR 1987 SC2179). It has been observed by their Lordships in paragraph 11 of the judgement "Both the Authorities have failed to bear in mind that the pleadings of the parties from the foundation of their case and it is not open to them to give up the case set out in the pleadings and propound a new and different case." It is, therefore, submitted on behalf of the workman that this part of evidence of the management cannot be accepted that no attendance register was maintained. It has also been submitted that in spite of clear and repeated assertion on the part of the workman that actual number of days of his working in the Calcutta Telephones would be revealed from the ACG-17 vouchers, if produced, the concerned vouchers have not been produced and admitted into evidence. In such a circumstance, it is difficult to believe the case of management that the workman had not worked continuously or that he had worked only for 15 days in each month during several years. The admitted position is that the workman had started working in 1988 and he continued in the service of the Calcutta Telephones till the date of his termination on 1-7-1994. Therefore, there is no doubt about it that the workman has not been engaged for a particular period during a particular month in a particular year, rather, he appears to have remained in service of Calcutta Telephones from 1988 to June, 1994 and if his clear assertion is that he had worked regularly and had worked for more than 240 days per year which has been denied by the management and when the workman has clearly stated that the relevant documents are all in the possession of the management, it was incumbent upon the management to produce those documents to controvert his claim, which has not been done. The entire pleading and evidence of the management, therefore, appear to be such that the management has been bent upon to deny the claim of the workman which was genuine and there has been attempt to circumvent the process of law.

11. So far as the statement of the management that the workman was engaged on contractual basis is concerned, there is no material at all to support this fact. When this plea was taken by the management, it was clearly asserted by the workman in his rejoinder that the management be asked to produce the papers in support of such contract. It appears that the management has only tried to mention in the accounts Exts. M-1 and M-2 that the workman was being paid

for 15 days on contract basis. This is an unilateral statement and workman has nothing to do with it. It is obvious that neither any contract was ever entered into between the management and the workman that he was being engaged for a particular period, nor there is any appointment letter issued to him at any point of time mentioning there in that he was appointed for a particular period. Taking advantage of the situation, it has been contended on behalf of the management that actually the workman was on contract appointment and, therefore, his termination cannot be treated as retrenchment. In this context it has been observed by their Lordships of the Hon'ble Supreme Court in the case of the State Bank of India v. N. Sundaramony [1976-II-LLJ-478] that "A break-down of S. 2(oo) unmistakably expands the semantics of retrenchment, "Termination.....for any reason what so ever" are the key words. Whatever the reason, every termination spells retrenchment. So the sole question has the employee's service been terminated? Verbal appraisal apart, the substance is decisive. A termination takes place where a term expires either by the active step of the master or the running out of the stipulated term. To protect the weak against the strong this policy of comprehensive definition has been effectuated. Termination embraces not merely the act of termination by the employer, but the fact of termination, howsoever, produced." In view of this observation it has been submitted on behalf of workman that it appears to be strong that the workman was kept engaged for about 6 years and on one fine morning he was asked that his services were no more required and he was rendered jobless. it appears to be pathetic and callous on the part of the management

12. So far as the question of continuous service is concerned, it has been submitted on behalf of the workman that the manner in which the workman was engaged by the management for about 6 years practically in every month and every year indicates that his service was continuous, though the management has tried to show that he did not work regularly or that his work was stopped from time to time and then again he was engaged and disengaged. This clearly amounts to circumventing the process of law. It is significant to note the observations of their Lordships of Hon'ble Supreme Court in the case of the Workman of American Express International Banking Corp. v. Management of American Express International Banking Corpn. (1985-II-LLJ-539) at paragraph which reads as follows:

"5. Section 25F of the Industrial Dispute Act is plainly intended to give relief to retrenched workmen. The qualification for relief under S. 25F is that he should be a workman employed in an industry and has been in continuous service for not less than one year under an employer. What is continuous service has been defined and explained in S. 25B of the Industrial

Dispute Act. In the present case the provision which is of relevance is S. 25B (a) (ii) which to the extent that it concern us, provides that workman who is not in continuous service for a period of one year shall be deemed to be in continuous service for a period on one year if the workman, during a period of twelve calendar months preceding the date with reference to which the calculation is to be made, has actually worked under the employer for not less than 240 days. The expression which we are required to construe is 'actually worked under the employer'. This expression, according to us, cannot mean those days only when the workman worked with hammer, Sickle or pen, but must necessarily comprehend all those days during which he was in the employment of the employer and for which he had been paid wages either under express or implied contract of service or by compulsion of statute, standing orders, etc. The learned counsel for the Management would urge that only those days which are mentioned in the Explanation to S. 25B(2) should be taken into account for the purpose of calculating the number of days on which the workman had actually worked though he had not so worked and no other days. We do not think that we are entitled to so constrain the construction of the expression 'actually worked under the employer'. The explanation is only clarificatory, as all the explanations are, and cannot be used to limit the expanse of the main provision. If the expression 'actually worked under the employer' is capable or comprehending the days during which the workman was in employment and was wages- and we see no impediment to so construe the expression-there is no reason why the expression should be limit by the explanation. To give it any other meaning then what we have done would bring the object of S. 25F very close to frustration. It is not necessary to give examples of how 25F may be frustrated as they are too obvious to be stated."

In the circumstances, their Lordships of the Hon'ble Supreme Court held that the workman who worked for a particular period during a year should not only be construed as the actual number of working days, the Sundays and the public holidays have also to be added in the number of days the workman is said to have worked.

13. In this connection, I would like to observe that as the management has failed to produce the relevant documents to disclose the actual number of days for which

the workman remained engaged, the case of the workman is fit to be accepted that he was in continuous service during the period of his engagement for about 6 years. Even if the chart as furnished by the management is taken into consideration, it shows that during the year 1993-94 the workman had worked for 180 days. If 57 Sundays and 17 public holidays are added, the total number comes to 254 days. Thus it becomes obvious that the workman concerned had at least worked for more than 240 days within 12 months preceding the date of his termination or retrenchment. In such a circumstance, the termination of the workman without resorting to the procedures laid down under Section 25F of the Industrial Disputes Act, 1947 appears to be unjust, improper and illegal. It has also been contended on behalf of the workman that before his retrenchment so many persons who were casual workers have been given temporary status, but the case of the workman concerned was ignored, though he was working since 02-01-1988. Therefore, it appears that the management was not just and fair in his case. If the workman is found to have worked for more than 240 days during the 12 months preceding the date of his retrenchment, certainly his unceremonious removal with effect from 01-07-1994 cannot be justified by any means and the action of the management is, therefore, held to be not justified.

14. In the result, the workman is entitled to reinstatement in the category of regular mazdoor in the Calcutta Telephones. So far as the question of back wages is concerned. It appears to be hard to saddle the management with paying the amount of his full back wages for a period of several years without his having worked, and, therefore, it is deemed fit and proper that in lieu of back wages the management should pay Rs. 20,000 to the workman and shall also reinstate him as a regular mazdoor. So far as seniority of the workman is concerned, though the back wages have not been ordered in his favour, his continuity of service shall be maintained and he will be deemed to have continued in service all along.

B. P. SHARMA, Presiding Officer

Dated, Kolkata,  
The 13th May, 2002.

नई दिल्ली, 21 मई, 2002

का.आ.2007.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 265/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[ सं. एल-40012/223/99-आई.आर. (डी.यू.) ]  
कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

S.O.2007.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 265/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/223/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM -LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT :

K. Karthikeyan, Presiding Officer.

INDUSTRIAL DISPUTES NO. 265/2002

(Tamil Nadu State Industrial Tribunal I. D. No. 301/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Selvakumar and the management of the General Manager, Telecommunications, Chennai).

BETWEEN

Sri S. Selvakumar : I Party/Workman

AND

The General Manager, : II Party/management  
Telecommunications,  
Kanchcepuram Dt. Chennai.

APPEARANCE :

For the Workman : M/s. M.Gnanasekar,  
C. Premavathi &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan,  
Addl. CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/223/99/IR(DU) dated 21-10-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 301/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this

case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 265/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General manager Telecommunications Kancheepuram in terminating the services of S. Selvakumar, casual Mazdoor is justified? If so, to what relief is he entitled.”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :

The I Party/Workman Sh. S Selvakumar (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) in 1-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1329 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 1506-1995 and, when his services were terminated he was getting Rs. 60 as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised

for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947, hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order or termination dated 15-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-6-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a counter statement and additional counter statement denying the allegations of the Petitioner in the Claim statement about his appointment as casual labour in 1.12.1984 and his contention about continuous working with the Respondent/Department for a period of 1329 number of days of service and the alleged termination of the petitioner from service on 15.06.1995. It is further alleged that the petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of 202 days only. The department use to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are:—

1. The casual labour should have been engaged prior to 31.3.1985
2. He should be currently employed on the date of the implementation of Scheme i.e. 01.10.89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01.10.1989; and



- 4 There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the services particulars. Since the petitioner did not fulfill all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is not post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is played that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workman like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence of all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by the Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workman exhibits. On the side of the Management the Xerox copy of the services certificate of WW filed before the conciliating authority earlier and the Xeros copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M 1, M 2 to M 75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the action of the general manager Telecommunications Kancheepuram in terminating the services of Sh. S. Selvakumar, Casual Mazdoor is justified? If so, to what relief is the entitle?”

Point :—

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW 1 and WW 2. W 1 series, W 2 and W 3 series, the service certificates of WW 1 and WW 2 respectively have been marked. On the side of the management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W 3 have been marked as Ex. M 1, M 2 to M 75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these based on the service records. They were filed into Court in their respective cases. WW 1 and WW 2 have spoken about their respective service certificate they have filed into Court in their respective cases. In the cross-examination of both the Petitioners WW 1 and WW 2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like policeman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW 1 and WW 2 who have deposed as common witnesses for these Petitioners have stated in the cross-examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificate are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross-examination that they mentioned in their respective Claim Statements that

they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross-examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW 1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the connection of the Respondent/management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for this Petitioner to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and creating poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the

department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex. M 2 to M 75 original muster rolls in the cross-examination of WW1 and WW 2 and through the common evidence of MW 1 it has been established that the particulars given in the service certificate by the Petitioners are bogus. WW 1 and WW 2 have clearly admitted in their cross-examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M 2 to M 75. In the cross-examination of the common witness for the management MW 1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross-examination of MW 1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workman for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workman as WW 1 and WW 2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that

the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourers only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the years. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW 1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificate is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW 1 and WW 2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis, during trial of the cases, before this Tribunal, go to show that these

Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined :—

##### For the I Party/Workmen:—

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management:—

M.W.1 - Sh. P. Chandrasekar [DE(Legal & Commercial)] Examined in I.D.No. 11/2001 and has taken as Common evidence in this case.

#### Common Documents Marked:—

##### For the I Party/Workmen:—

W 1 Series (7) — Original service certificates issued in favour of Petitioners.

W 2 — Original Service Note Book.

W 3 Series (7)— Xerox copy of the service certificates issued in favour of Petitioners.

For the II Party/Management:—

M1 — Xerox copy of the service certificates issued in favour of Petitioners.

M2 — Xerox copy of M.R. No. 05850

M3 — Xerox copy of M.R. No. 05851

M4 — Xerox copy of M.R. No. 07188

M5 — Xerox copy of M.R. No. 07193

M6 — Xerox copy of M.R. No. 19/04693

M7 — Xerox copy of M.R. No. 18/04693

M8 — Xerox copy of M.R. No. 3/06114

M9 — Xerox copy of M.R. No. 9/06114

M10 — Xerox copy of M.R. No. 18/06114

M11 — Xerox copy of M.R. No. 6/06115

M12 — Xerox copy of M.R. No. 5/06115

M13 — Xerox copy of M.R. No. 18/06115

M14 — Xerox copy of M.R. No. 1/08511

M15 — Xerox copy of M.R. No. 19/07289

M16 — Xerox copy of M.R. No. 7/4427

M17 — Xerox copy of M.R. No. 4/4431

M18 — Xerox copy of M.R. No. 13/15948

M19 — Xerox copy of M.R. No. 15/06117

M20 — Xerox copy of M.R. No. 21/06119

M21 — Xerox copy of M.R. No. 13/08512

M22 — Xerox copy of M.R. No. 23/08512

M23 — Xerox copy of M.R. No. 10/08513

M24 — Xerox copy of M.R. No. 11/08514

M25 — Xerox copy of M.R. No. 15/20861

M26 — Xerox copy of M.R. No. 18/20861

M27 — Xerox copy of M.R. No. 12/20862

M28 — Xerox copy of M.R. No. 11/20863

M29 — Xerox copy of M.R. No. 03/20867

M30 — Xerox copy of M.R. No. 02/20868

M31 — Xerox copy of M.R. No. 13/20863

M32 — Xerox copy of M.R. No. 12/20869

M33 — Xerox copy of M.R. No. 23/20869

M34 — Xerox copy of M.R. No. 20/04631

M35 — Xerox copy of M.R. No. 24/2

M36 — Xerox copy of M.R. No. 12/4

M37 — Xerox copy of M.R. No. 14/4

M38 — Xerox copy of M.R. No. 4/5

M39 — Xerox copy of M.R. No. 7/5

M40 — Xerox copy of M.R. No. 10/5

M41 — Xerox copy of M.R. No. 11/5

M42 — Xerox copy of M.R. No. 17/5

M43 — Xerox copy of M.R. No. 22/5

M44 — Xerox copy of M.R. No. 4/59

M45 — Xerox copy of M.R. No. 04978

M46 — Xerox copy of M.R. No. 8/06216

M47 — Xerox copy of M.R. No. 07188

M48 — Xerox copy of M.R. No. 7/4427

M49 — Xerox copy of M.R. No. 15/06117

M50 — Xerox copy of M.R. No. 9/06114

M51 — Xerox copy of M.R. No. 18/06114

M52 — Xerox copy of M.R. No. 6/06115

M53 — Xerox copy of M.R. No. 18/06115

M54 — Xerox copy of M.R. No. 1/08511

M55 — Xerox copy of M.R. No. 2/08511

M56 — Xerox copy of M.R. No. 22/08511

M57 — Xerox copy of M.R. No. 13/08512

M58 — Xerox copy of M.R. No. 23/08512

M59 — Xerox copy of M.R. No. 10/08513

M60 — Xerox copy of M.R. No. 15/20861

M61 — Xerox copy of M.R. No. 18/20861

M62 — Xerox copy of M.R. No. 12/20862

M63 — Xerox copy of M.R. No. 11/20863

M64 — Xerox copy of M.R. No. 19/20863

M65 — Xerox copy of M.R. No. 11/20864

M66 — Xerox copy of M.R. No. 09/20866

M67 — Xerox copy of M.R. No. 03/20867

M68 — Xerox copy of M.R. No. 14/20867

M69 — Xerox copy of M.R. No. 02/20868

M70 — Xerox copy of M.R. No. 12/20869

M71 — Xerox copy of M.R. No. 06/21253

M72 — Xerox copy of M.R. No. 13/27

M73 — Xerox copy of M.R. No. 19/29

M74 — Xerox copy of M.R. No. 4/29

M75 — Xerox copy of M.R. No. 20/29

Presiding Officer

नई दिल्ली, 21 मई, 2002

का.आ. 2008.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में निर्यातकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट संदर्भ (संख्या 266/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/242/99—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 2008.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 266/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/242/99—IR (DU)]

KULDIPRAI VERMA, Desk Officer

#### ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

**Tuesday, the 30th April, 2002**

**PRESENT:**

**K. Karthikeyan, Presiding Officer**

**INDUSTRIAL DISPUTE No 266/2001**

**(Tamil Nadu State Industrial Tribunal I.D. No. 309/99)**

(In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri D. Jeevanandam and the management of the the General Manager, Telecommunications, Kancheepuram Dist. Chennai.)

**BETWEEN**

Sri D. Jeevanandam : I Party/Workman

**AND**

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist. Chennai.

**APPEARANCE:**

For the Workman : M/s. M Gnanasekar,  
C. Premavathy &  
G. Manjula,  
Advocates

For the Management : Sri R. Kannappan  
Addl CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/242/99/IR(DU) dated 21-10-1999.

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When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

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“Whether the action of the General Manager, Kancheepuram in terminating the services of Sh. D. Jeevanandam Casual mazdoor is justified? If not, to what relief he is entitled?

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri D. Jeevanandam (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1287 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary

Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment i.e. 15-06-1995 and, when his services were terminated he was getting Rs. 60/- as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he would be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent Department in terminating the services of Petitioner without notice or compensation is *ab initio void* and the Petitioner is deemed to be continuous in service and therefore, is entitled to be reinstated with all other service benefit including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service i.e. 15-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement, and additional Counter Statement, denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 01-03-1985 and his contention about continuous working with the Respondent/Department for a period of 1287 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period

of less than 191 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D. No. 156/2001, and Sri K. Mohan, Petitioner in I.D. No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner,

the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the General Manager, Kancheepuram in terminating the services of Shri D. Jeevanadam, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

**Point : —**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common

witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent/Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of

Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex M2 to M75 original muster rolls in the cross-examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross-examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copies of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross-examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross-examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidences available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers

by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have been granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that this Petitioner had not worked continuously from 1985 to 1995. Further, it is seen from the evidence available that the Department engaged the Petitioner as Casual Labourers only for the short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of



the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases, before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6 In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002 )

K. KARTHIKEYAN, Presiding Officer

#### **Common Witnesses Examined :**

##### **For the I Party/Workmen:-**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh.K. Mohan (Petitioner in I.D. 262/2001)

##### **For the II Party/Management:-**

M.W. 1 - Sh. P. Chandrasekar DE (Legal & Commercial)  
Examined in I.D No. 11/2001 and has taken as  
Common evidence in this case

#### **Common Documents Marked:-**

##### **For the I Party/Workmen :**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series(7) - Xerox copy of the service certificates issued in favour of Petitioners

##### **For the II Party/Management:**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M 2 - Xerox copy of M.R. No.05850

M 3 - Xerox copy of M.R. No.05851

M 4 - Xerox copy of M.R. No.07188

M 5 - Xerox copy of M.R. No.07193

M 6 - Xerox copy of M.R. No. 19/04693

M 7 - Xerox copy of M.R. No. 18/04693

M 8 - Xerox copy of M.R. No. 3/06114

M 9 - Xerox copy of M.R. No.9/06114

M 10 - Xerox copy of M.R. No. 18/06114

M 11 - Xerox copy of M.R. No. 6/06115

M 12 - Xerox copy of M.R. No. 5/06115

M 13 - Xerox copy of M.R. No. 18/06115

M 14 - Xerox copy of M.R. No. 1/08511

M 15 - Xerox copy of M.R. No. 19/07289

M 16 - Xerox copy of M.R. No.7/4427

M 17 - Xerox copy of M.R. No.4/4431

M 18 - Xerox copy of M.R. No. 13/15 948

M 19 - Xerox copy of M.R. No. 15/06117

M 20 - Xerox copy of M.R. No. 21/06119

M 21 - Xerox copy of M.R. No. 13/08512

M 22 - Xerox copy of M.R. No. 23/08512

M 23 - Xerox copy of M.R. No. 10/08513

M 24 - Xerox copy of M.R. No. 11/08514

M 25 - Xerox copy of M.R. No. 15/20861

M 26 - Xerox copy of M.R. No. 18/20861

M 27 - Xerox copy of M.R. No. 12/20862

M 28 - Xerox copy of M.R. No. 11/20863

M 29 - Xerox copy of M.R. No. 03/20867

M 30 - Xerox copy of M.R. No. 02/20868

M 31 - Xerox copy of M.R. No. 13/20863

M 32 - Xerox copy of M.R. No. 12/20869

M 33 - Xerox copy of M.R. No. 23/20869

M 34 - Xerox copy of M.R. No. 20/04631

M 35 - Xerox copy of M.R. No. 24/2  
 M 36 - Xerox copy of M.R. No. 12/4  
 M 37 - Xerox copy of M.R. No. 14/4  
 M 38 - Xerox copy of M.R. No. 4/5  
 M 39 - Xerox copy of M.R. No. 7/5  
 M 40 - Xerox copy of M.R. No. 10/5  
 M 41 - Xerox copy of M.R. No. 11/5  
 M 42 - Xerox copy of M.R. No. 17/5  
 M 43 - Xerox copy of M.R. No. 22/5  
 M 44 - Xerox copy of M.R. No. 4/59  
 M 45 - Xerox copy of M.R. No. 04978  
 M 46 - Xerox copy of M.R. No. 8/06216  
 M 47 - Xerox copy of M.R. No. 07188  
 M 48 - Xerox copy of M.R. No. 7/4427  
 M 49 - Xerox copy of M.R. No. 15/06117  
 M 50 - Xerox copy of M.R. No. 9/06114  
 M 51 - Xerox copy of M.R. No. 18/06114  
 M 52 - Xerox copy of M.R. No. 6/06115  
 M 53 - Xerox copy of M.R. No. 18/06115  
 M 54 - Xerox copy of M.R. No. 1/08511  
 M 55 - Xerox copy of M.R. No. 2/08511  
 M 56 - Xerox copy of M.R. No. 22/08511  
 M 57 - Xerox copy of M.R. No. 13/08512  
 M 58 - Xerox copy of M.R. No. 23/08512  
 M 59 - Xerox copy of M.R. No. 10/08513  
 M 60 - Xerox copy of M.R. No. 15/20861  
 M 61 - Xerox copy of M.R. No. 18/20861  
 M 62 - Xerox copy of M.R. No. 12/20862  
 M 63 - Xerox copy of M.R. No. 11/20863  
 M 64 - Xerox copy of M.R. No. 19/20863  
 M 65 - Xerox copy of M.R. No. 11/20864  
 M 66 - Xerox copy of M.R. No. 09/20866  
 M 67 - Xerox copy of M.R. No. 03/20867  
 M 68 - Xerox copy of M.R. No. 14/20867  
 M 69 - Xerox copy of M.R. No. 02/20868  
 M 70 - Xerox copy of M.R. No. 12/20869  
 M 71 - Xerox copy of M.R. No. 06/21253  
 M 72 - Xerox copy of M.R. No. 13/27  
 M 73 - Xerox copy of M.R. No. 19/29  
 M 74 - Xerox copy of M.R. No. 1/29  
 M 75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का. अं. 2009.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट संदर्भ संख्या (273/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/247/99—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 2009.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 273/2001) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the industrial dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/247/99—IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT:

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 273/2001

(Tamil Nadu State Industrial Tribunal I.D No 305/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri R. Arputharajan and the Management of Telecommunications, Kancheepuram Dist. Chennai.)

BETWEEN

Sri A. Arputharajan I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist, Chennai.

Appearance.-

For the Workman : M/s M.Gnanasekaran,  
C Premavathy &  
G Manjula, Advocates

For the Management : Sri K. Kanniappan, Addl  
CGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/247/99/TR(DU) dated 26-10-1999

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 305/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 273/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the demand of the workman Sri R. Arputharajan for reinstatement with back wages is justified? If so, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri R. Arputharajan, (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 21-12-1974 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs 2.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 461 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and

arbitrary. The I Party/Workman has been denied employment w.e.f. 3-04-1975 and, when his services were terminated he was getting Rs.3.00/- as daily wages. When he approached the concerned authority for conforming of temporary status he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous service and therefore, is entitled to be reinstated with all other service benefit including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 3-4-75 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 3-4-1975 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 14-3-1973 and his contention about continuous working with the Respondent/Department for a period of 461 number of days of service and the alleged termination of the Petitioner from service on 3-4-1975. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called ‘Grant of Temporary Status to Casual Labourers’ was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985.

2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I D No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in ID No. 156/2001, and Sri K. Mohan, Petitioner in I.D.No 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr P. Chandrasekar, who has been examined as a common witness MW1 in I D No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the the demand of the workman Sri. R. Arputharajan for reinstatement with back wages is justified? If so, to what relief he is entitled?"

**Point : —**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls

mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1974 and worked continuously till 1975, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio void* and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1975. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned

Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by

way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for short period as and when required and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management Department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created these for the purpose of these cases as the Respondent/Management contends it. From

the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So, under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined :—

##### For the I Party/Workmen:—

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management :—

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case

#### Common Documents Marked :—

##### For the I Party/Workmen :—

W1 Series (7) — Original service certificates issued in favour of Petitioners

W2 — Original Service Note Book

W3 Series (7) — Xerox copy of the service certificates issued in favour of Petitioners

**For the II Party/Management :—**

- M1 - Xerox copy of the service certificate issued in favour of Petitioners.
- M2 - Xerox copy of M.R. No.05850
- M3 - Xerox copy of M.R. No.05851
- M4 - Xerox copy of M.R. No.07188
- M5 - Xerox copy of M.R. No.07193
- M6 - Xerox copy of M.R. No. 19/04693
- M7 - Xerox copy of M.R. No. 18/04693
- M8 - Xerox copy of M.R. No.3/06114
- M9 - Xerox copy of M.R. No.9/06114
- M10 - Xerox copy of M.R. No. 18/06114
- M11 - Xerox copy of M.R.No.6/06115
- M12 - Xerox copy of M.R.No.5/06115
- M13 - Xerox copy of M.R. No. 18/06115
- M14 - Xerox copy of M.R. No. 1/08511
- M15 - Xerox copy of M.R. No. 19/07289
- M16 - Xerox copy of M.R. No.7/4427
- M17 - Xerox copy of M.R. No.4/4431
- M18 - Xerox copy of M.R. No. 13/15948
- M19 - Xerox copy of M.R. No. 15/06117
- M20 - Xerox copy of M.R. No. 21/06119
- M21 - Xerox copy of M.R. No. 13/08512
- M22 - Xerox copy of M.R. No. 23/08512
- M23 - Xerox copy of M.R. No. 10/08513
- M24 - Xerox copy of M.R. No. 11/08514
- M25 - Xerox copy of M.R. No. 15/20861
- M26 - Xerox copy of M.R. No. 18/20861
- M27 - Xerox copy of M.R. No. 12/20862
- M28 - Xerox copy of M.R. No. 11/20863
- M29 - Xerox copy of M.R. No. 03/20867
- M30 - Xerox copy of M.R. No. 02/20868
- M31 - Xerox copy of M.R. No. 13/20863
- M32 - Xerox copy of M.R. No. 12/20869
- M33 - Xerox copy of M.R. No. 23/20869
- M34 - Xerox copy of M.R. No. 20/04631
- M35 - Xerox copy of M.R. No. 24/2
- M36 - Xerox copy of M.R. No. 12/4
- M37 - Xerox copy of M.R. No. 14/4
- M38 - Xerox copy of M.R. No. 4/5
- M39 - Xerox copy of M.R. No. 7/5
- M40 - Xerox copy of M.R. No. 10/5
- M41 - Xerox copy of M.R. No. 11/5
- M42 - Xerox copy of M.R. No. 17/5
- M43 - Xerox copy of M.R. No. 22/5
- M44 - Xerox copy of M.R. No. 4/59
- M45 - Xerox copy of M.R. No. 04978
- M46 - Xerox copy of M.R. No. 8/06216
- M47 - Xerox copy of M.R. No. 07188

- M48 - Xerox copy of M.R. No. 7/4427
- M49 - Xerox copy of M.R. No. 15/06117
- M50 - Xerox copy of M.R. No. 9/06114
- M51 - Xerox copy of M.R. No. 18/06114
- M52 - Xerox copy of M.R. No. 6/06115
- M53 - Xerox copy of M.R. No. 18/06115
- M54 - Xerox copy of M.R. No. 1/08511
- M55 - Xerox copy of M.R. No. 2/08511
- M56 - Xerox copy of M.R. No. 22/08511
- M57 - Xerox copy of M.R. No. 13/08512
- M58 - Xerox copy of M.R. No. 23/08512
- M59 - Xerox copy of M.R. No. 10/08513
- M60 - Xerox copy of M.R. No. 15/20861
- M61 - Xerox copy of M.R. No. 18/20861
- M62 - Xerox copy of M.R. No. 12/20862
- M63 - Xerox copy of M.R. No. 11/20863
- M64 - Xerox copy of M.R. No. 19/20863
- M65 - Xerox copy of M.R. No. 11/20864
- M66 - Xerox copy of M.R. No. 09/20866
- M67 - Xerox copy of M.R. No. 03/20867
- M68 - Xerox copy of M.R. No. 14/20867
- M69 - Xerox copy of M.R. No. 02/20868
- M70 - Xerox copy of M.R. No. 12/20869
- M71 - Xerox copy of M.R. No. 06/21253
- M72 - Xerox copy of M.R. No. 13/27
- M73 - Xerox copy of M.R. No. 19/29
- M74 - Xerox copy of M.R. No. 4/29
- M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का. अ. 2010.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 274/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/248/99—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 2010.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 724/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/248/99—IR (DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT.

K. KARTHIKEYAN, Presiding Officer

INDUSTRIAL DISPUTE NO. 274/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 306/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman Sri M. Murthy and the Management of the General Manager, Telecommunications, Chennai.)

## BETWEEN

Sri M. Murthy : I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Distt, Chennai.

## APPEARANCE

For the Workman : M/s. M.Gnanasekaran,  
C.Premavathy, &  
G Manjula  
Advocates

For the Management : Sri R. Kannappan  
Addl C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/248/99/IR(DU) dated 26-10-1999

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I D No. 306/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I D No. 274/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 12-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional Counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the

connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

## AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the demand of the workman Sri M. Murthy for reinstatement with back wages is justified? If so, to what relief he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri M. Murthy, (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 19-04-1979 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.3.75 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 587 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telcom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of Petitioner without



notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional counter statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 19-4-79 and his contention about continuous working with the Respondent/Department for a period of 587 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of less than 240 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89,
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no

work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for re-instatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D No 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umamathy, Petitioner in ID.No 156/2001, and Sri K.Mohan, Petitioner in I D.No 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the demand of the workman Sri M. Murthy for reinstatement with back wages is justified? If so, to what relief, he is entitled?"

Point : —

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against

the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1979 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement

that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appointed them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The Xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about

the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for short period as and when required and they were given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year.

It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management Department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases, before this Tribunal, go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contended it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So, under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the

relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined :—**

**For the I Party/Workmen :—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management :—**

M.W. 1 - Sh. P. Chandrasekar [DE (Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case

**Common Documents Marked :—**

**For the I Party/Workmen :—**

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W 2 - Original Service Note Book.

W 3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management :—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M 2 - Xerox copy of M.R. No.05850

M 3 - Xerox copy of M.R. No.05851

M 4 - Xerox copy of M.R. No.07188

M 5 - Xerox copy of M.R. No.07193

M 6 - Xerox copy of M.R. No. 19/04693

M 7 - Xerox copy of M.R. No. 18/04693

M 8 - Xerox copy of M.R. No. 3/06114

M 9 - Xerox copy of M.R. No. 9/06114

M 10 - Xerox copy of M.R. No. 18/06114

M 11 - Xerox copy of M.R.No. 6/06115

M 12 - Xerox copy of M.R.No. 5/06115

M 13 - Xerox copy of M.R. No. 18/06115

M 14 - Xerox copy of M.R. No. 1/08511

M 15 - Xerox copy of M.R. No. 19/07289

M 16 - Xerox copy of M.R. No. 7/4427

M 17 - Xerox copy of M.R. No.4/4431

M 18 - Xerox copy of M.R. No. 13/15948

M 19 - Xerox copy of M.R. No. 15/06117

M 20 - Xerox copy of M.R. No. 21/06119

M 21 - Xerox copy of M.R. No. 13/08512

M 22 - Xerox copy of M.R. No. 23/08512

M 23 - Xerox copy of M.R. No. 10/08513

M 24 - Xerox copy of M.R. No. 11/08514

M 25 - Xerox copy of M.R. No. 15/20861

M 26 - Xerox copy of M.R. No. 18/20861

M 27 - Xerox copy of M.R. No. 12/20862

M 28 - Xerox copy of M.R. No. 11/20863

M 29 - Xerox copy of M.R. No. 03/20867

M 30 - Xerox copy of M.R. No. 02/20868

M 31 - Xerox copy of M.R. No. 13/20863

M 32 - Xerox copy of M.R. No. 12/20869

M 33 - Xerox copy of M.R. No. 23/20869

M 34 - Xerox copy of M.R. No. 20/04631

M 35 - Xerox copy of M.R. No. 24/2

M 36 - Xerox copy of M.R. No. 12/4

M 37 - Xerox copy of M.R. No. 14/4

M 38 - Xerox copy of M.R. No. 4/5

M 39 - Xerox copy of M.R. No. 7/5

M 40 - Xerox copy of M.R. No. 10/5

M 41 - Xerox copy of M.R. No. 11/5

M 42 - Xerox copy of M.R. No. 17/5

M 43 - Xerox copy of M.R. No. 22/5

M 44 - Xerox copy of M.R. No. 4/59

M 45 - Xerox copy of M.R. No. 04978

M 46 - Xerox copy of M.R. No. 8/06216

M 47 - Xerox copy of M.R. No. 07188

M 48 - Xerox copy of M.R. No. 7/4427

M 49 - Xerox copy of M.R. No. 15/06117

M 50 - Xerox copy of M.R. No. 9/06114

M 51 - Xerox copy of M.R. No. 18/06114

M 52 - Xerox copy of M.R. No. 6/06115

M 53 - Xerox copy of M.R. No. 18/06115

M 54 - Xerox copy of M.R. No. 1/08511

M 55 - Xerox copy of M.R. No. 2/08511

M 56 - Xerox copy of M.R. No. 22/08511

M 57 - Xerox copy of M.R. No. 13/08512

M 58 - Xerox copy of M.R. No. 23/08512

M 59 - Xerox copy of M.R. No. 10/08513

M 60 - Xerox copy of M.R. No. 15/20861

M 61 - Xerox copy of M.R. No. 18/20861

M 62 - Xerox copy of M.R. No. 12/20862

M 63 - Xerox copy of M.R. No. 11/20863

M 64 - Xerox copy of M.R. No. 19/20863

M 65 - Xerox copy of M.R. No. 11/20864

M 66 - Xerox copy of M.R. No. 09/20866

M 67 - Xerox copy of M.R. No. 03/20867

M 68 - Xerox copy of M.R. No. 14/20867

M 69 - Xerox copy of M.R. No. 02/20868

M 70 - Xerox copy of M.R. No. 12/20869

M 71 - Xerox copy of M.R. No. 06/21253

M 72 - Xerox copy of M.R. No. 13/27

M 73 - Xerox copy of M.R. No. 19/29

M 74 - Xerox copy of M.R. No. 4/29

M 75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

का. आ. 2011.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 293/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/269/99-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 2011.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 293/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/269/99-IR (DU)]

KULDIPRAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT:

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 293/2001

(Tamil Nadu State Industrial Tribunal No. 316/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri P. Siwan and the Management of Telecommunications)

BETWEEN

Sri P. Siwan : I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist, Chennai.

APPEARANCE:

For the Workman : M/s.M.Gnanasekaran,  
C.Premavathy, Advocates

For the Management : Sri R. Kannappan, Addl. C.  
G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Disputes

Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/269/99/IR(DU) dated 19-11-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 316/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 293/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 13-02-2001 and to prosecute this case further. On receipt of notice from this Tribunal, the counsel for the II Party/Management alone present. Though the counsel for the Ist Party/Workman entered appearance on 31.3.2000 itself by filing his vakalat before the Tamil Nadu State Industrial Tribunal, the Claim Statement of the Ist Party/Workman was not filed before that Tribunal. After the transfer of this case to the file of this Court, the Counsel for the Ist Party had received notice from this Court had not chosen to appear before this court for this case and to file the Claim Statement of the Ist party/Workman and there was no representation at all for the I Party/Workman for this industrial dispute before this Tribunal except filing the Xerox copies of the documents in support of the claim of the I Party/Petitioner in this industrial dispute. The II Party/Management had filed the Counter Statement along with the copy of the claim petition filed by this Petitioner before the Regional Commissioner of Labour, Chennai while raising this industrial dispute.

When the matter came up before this Tribunal on 01.04.2002 for final hearing counsel for the II Party/Management alone, was present. Neither the I Party nor his counsel present and there was no representation at all on the side of the I Party/workman. No claim Statement has been filed for the I Party/workman. The learned counsel for the II Party/Management alone has advanced his arguments.

Upon perusing the order of Reference in respect of this industrial dispute between the parties, the other material papers on record, copy of the statement of claim filed by the I Party/workman before the Regional Commissioner of Labour, Central, Chennai Counter Statement filed by the II Party/Management, Telecom Department, Kancheepuram District, and the common evidence both oral and documentary on either side in the batch of similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management and upon considering all these relevant aspects, this Tribunal has passed, on merits, the following:-

## AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecommunications, Kanchecpuram in terminating the services of Shri P. Sivan, casual mazdoor is legal and justified? If not, to what relief, is he entitled?”

2. The averments made by the I Party/Workman in the statement of claim filed before the Regional Labour Commissioner, Chennai while raising this industrial dispute are briefly as follows:—

The I Party/Workman Sri. P. Sivan (herein-after refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (herein-after refers to as Respondent) on 27.10.1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.60 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 897 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15.06.95 and, when his services were terminated he was getting Rs.60 as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in con-

tinuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15.06.95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3 The averments in the Counter Statement filed by the II Party/Management Telecom Department, Chengalpet SSA are briefly as follows:—

This Counter Statement of the II Party/Management has been filed as a reply to the dispute that has been raised by the Petitioner/Workman before the conciliating authority, though he has not chosen to file any Claim Statement before this Tribunal. It is denied that the Petitioner was appointed as Casual Labour on 27-10-84 and he was continuously working with the Respondent and had put in 897 number of days and he was terminated on 15.06.1995. The Petitioner had worked only 138 days during 1995 as Casual Labour. The service certificates pertaining to the previous period are all bogus and manufactured by the Petitioner. Since there was no sufficient work, he was not further engaged. The Petitioner was not appointed and terminated at any point of time. Hence, the question of appointment, termination and continuance of service does not arise. The Petitioner was engaged purely on casual basis for unskilled casual work on daily rated wages. The work done by the Petitioner is purely casual nature and also not perennial. The petitioner was never informed by the Respondent that he will be taken back to services. Since the petitioner had not completed 240 days, the question of continuance of service and notice under Section 25F of Industrial Disputes Act, 1947 does not arise. In 1989 a scheme called grant of Temporary Status to casual Labour was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual labourers who actually worked were asked to furnish the service particulars to grant temporary status.

On verification it was found that the service particulars submitted by the Petitioner from 1984 to 1994 were bogus and manufactured one. Hence, the department did not consider the claim of the Petitioner. The Petitioner had submitted false services particulars with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, there is no such work and post with department. The Respondent Department does not engaged any casual mazdoor and as on date there is no casual mazdoor in the department. Since there is no work and there is no post, there is no scope for the Petitioner. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, the claim of the Petitioner has to be dismissed.

4 The Point for my consideration is .—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Shri P. Sivan, casual mazdoor is legal and justified? If not, to what relief, is he entitled?”

**Point:—**

Though the Petitioner/Workman Sri P. Sivan has raised this industrial dispute against the General Manager, Telecommunications, Kancheepuram Dist. demanding reinstatement as casual mazdoor, he has not chosen to file his Claim Statement either before the Tamil Nadu State Industrial Tribunal earlier or before this Tribunal after the matter has been transferred to the file of this Tribunal and notice to that effect was served on his counsel on record. Though his counsel has filed vakalat on his behalf in this case even before the Tamil Nadu State Industrial Tribunal on 31-3-2000 itself, when it was pending there, and notice of transfer of this case of the file of this Tribunal has been served on him, he has not chosen to appear before this Tribunal and to file the Claim Statement of the I Party/ Petitioner and to prosecute this case further. But the II Party/Management alone had chosen to file the Counter Statement, in the absence of the claim statement filed by the I Party/Workman, as a reply to the claim made by the Petitioner/Workman in his statement of claim he file before the Regional Labour Commissioner, Chennai, by raising this industrial dispute as a petition under Section 2A of Industrial Disputes Act, 1947, xerox copies of muster rools have been filed as documents in support of the stand taken by the Respondent/Management in disputing the claim made by the Petitioner/Workman in this industrial dispute. It is clearly averred in the Counter Statement of the Respondent/Management that the Petitioner/Workman was engaged only for 138 days during 1995 as Casual Labourer and the service certificates he produced earlier as he was in service from 1984 to 1994 were found to be bogus and manufactured one and it was categorically alleged in the Counter Statement that he has submitted false service

certificates and the department had not engaged him as casual mazdoor as claimed by him. It is further contended in the Counter Statement that he had not fulfilled the requisite qualifications to grant him Temporary Status Mazdoor under the Scheme introduced in the year 1989 for the Casual Labourers who actually worked in the Respondent Department. All these specific averments in the Counter Statement have not been disputed or denied by the Petitioner/Workman, who raised this industrial dispute. It is specifically averred in the Counter Statement of the Respondent/Management that the Petitioner was not appointed and terminated at any point of time and hence the question of appointment, termination and continuation in service does not at all arise. All these averments have not been disproved by the Petitioner/Workman by making plea as well as proving the same with legal evidence. Under such circumstances, as it is mentioned in this industrial dispute Schedule of Reference for the demand he made for reinstatement by the General Manager, Telecommunications, Chengalpattu, as casual mazdoor cannot be considered to be legal and justified. Hence, he is not entitled to the relief he prayed for in this dispute against the II Party/Telecommunication Department, Kancheepuram District, Chennai. Thus, the point is answered accordingly.

5. In the result, an Award is passed holding that the I Party/Workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined:—**

**For the I Party/Workmen:—**

W.W 1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W 2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management:—**

M.W 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I D No. 11/2001 and has taken as  
Common evidence in this case.

**Common Documents Marked :—**

**For the I Party/Workmen :—**

W1 Series(7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 - Series(7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management:—**

M 1 - Xerox copy of the service certificate issued in favour of Petitioner

M 2 - Xerox copy of M.R. No 05850

M 3 - Xerox copy of M.R. No 05851

M 4 - Xerox copy of M.R. No. 07188  
 M 5 - Xerox copy of M.R. No. 07193  
 M 6 - Xerox copy of M.R. No. 19/04693  
 M 7 - Xerox copy of M.R. No. 18/04693  
 M 8 - Xerox copy of M.R. No. 3/06114  
 M 9 - Xerox copy of M.R. No. 9/06114  
 M 10 - Xerox copy of M.R. No. 18/06114  
 M 11 - Xerox copy of M.R. No. 6/06115  
 M 12 - Xerox copy of M.R. No. 5/06115  
 M 13 - Xerox copy of M.R. No. 18/06115  
 M 14 - Xerox copy of M.R. No. 1/08511  
 M 15 - Xerox copy of M.R. No. 19/07289  
 M 16 - Xerox copy of M.R. No. 7/4427  
 M 17 - Xerox copy of M.R. No. 4/4431  
 M 18 - Xerox copy of M.R. No. 13/15948  
 M 19 - Xerox copy of M.R. No. 15/06117  
 M 20 - Xerox copy of M.R. No. 21/06119  
 M 21 - Xerox copy of M.R. No. 13/08512  
 M 22 - Xerox copy of M.R. No. 23/08512  
 M 23 - Xerox copy of M.R. No. 10/08513  
 M 24 - Xerox copy of M.R. No. 11/08514  
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 M 40 - Xerox copy of M.R. No. 10/5  
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 M 64 - Xerox copy of M.R. No. 19/20863  
 M 65 - Xerox copy of M.R. No. 11/20864  
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 M 70 - Xerox copy of M.R. No. 12/20869  
 M 71 - Xerox copy of M.R. No. 06/21253  
 M 72 - Xerox copy of M.R. No. 13/27  
 M 73 - Xerox copy of M.R. No. 19/29  
 M 74 - Xerox copy of M.R. No. 4/29  
 M 75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का. आ. 2012**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (संदर्भ संख्या 296/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/270/99-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 2012.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No 296/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt and and their workman. which was received by the Central Government on 21-5-2002.

[No. L-40012/270/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer



## ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT :

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 296/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 19/99)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri K. Periyapayan and the Management of General Manager Telecommunications)

## BETWEEN

Sri K. Periyapayan . I Party/Workman

AND

The General Manager, . II Party/Management

Telecommunications,

Kancheepuram, Dist Chennai.

## APPEARANCE :

For the Workman : M/s. M. Gnanasakaran,  
C. Premavathy, Advocates

For the Management : Sri R. Kannappan, Addl.  
C G S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/270/99/IR(DU) dated 19-11-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 319/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 296/2001 and notices were sent to the counsel on record on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 13-02-2001 and to prosecute this case further. On receipt of notice from this Tribunal, the counsels for the II Party/Management alone present. Though the counsel for the Ist Party/Workman enters appearance on 31.3.2000 itself by filing his vakalat before the Tamil Nadu State Industrial Tribunal, the Claim Statement of the Ist Party/Workman was not filed before that Tribunal. After the transfer of this case to the file of this Court, the Counsel for the Ist Party had received notice from this Court had not chosen to appear before this court for this case and to file the Claim Statement of the Ist party/Workman and there was no representation at all for the

I Party/Workman for this industrial dispute before this Tribunal except filing the Xerox copies of the documents in support of the claim of the I Party/Petitioner in this industrial dispute. The II Party/Management had filed the Counter Statement along with the copy of the claim petition filed by this Petitioner before the Regional Commissioner of Labour, Chennai while raising this industrial dispute.

When the matter came up before this Tribunal on 01.04.2002 for final hearing, the counsel for the II Party/Management alone, was present. Neither the I Party nor his counsel present and there was no representation at all on the side of the I Party/workman. No claim Statement has been filed for the I Party/workman. The learned counsel for the II Party/Management alone has advanced his arguments.

Upon perusing the order of Reference in respect of this industrial dispute between the parties, the other material papers on record, copy of the statement of claim filed by the I Party/Workman before the Regional Commissioner of Labour, Central, Chennai Counter Statement filed by the II Party/Management, Telecom Department, Kancheepuram District, and the common evidence both oral and documentary on either side in the batch of similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management and upon considering all these relevant aspects, this Tribunal has passed, on merits, the following :—

## AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Shri K. Periyapayan, casual mazdoor is legal and justified? If not, to what relief, is he entitled?”

2. The averments made by the I Party/Workman in the statement of claim filed before the Regional Labour Commissioner, Chennai while raising this industrial dispute are briefly as follows :—

The I Party/Workman Sri. K. Periyapayan (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 01.10.1983 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs. 60 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1307 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom

Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25.06.95 and, when his services were terminated he was getting Rs. 60 as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25.06.95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The averments in the Counter Statement filed by the II Party/Management Telecom Department, Chengalpet SSA are briefly as follows :—

This Counter Statement of the II Party/Management has been filed as a reply to the dispute that has been raised by the Petitioner/Workman before the conciliating authority, though he has not chosen to file any Claim Statement before this Tribunal. It is denied that the Petitioner was appointed as Casual Labour on 01-10-83 and he was continuously working with the Respondent and had put in 1307 number of days and he was terminated on 25.06.1995. The Petitioner had worked only 163 days during 1995 as Casual Labour. The service certificates

pertaining to the previous period are all bogus and manufactured by the Petitioner. Since there was no sufficient work, he was not further engaged. The Petitioner was not appointed and terminated at any point of time. Hence, the question of appointment, termination and continuance of service does not arise. The Petitioner was engaged purely on casual basis for unskilled casual work on daily rated wages. The work done by the Petitioner is purely casual in nature and also not perennial. The petitioner was never informed by the Respondent that he will be taken back to services. Since the petitioner had not completed 240 days, the question of continuance of service and notice under Section 25F of Industrial Disputes Act, 1947 does not arise. In 1989 a scheme called grant of Temporary Status to casual Labour was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The Casual labourers who actually worked were asked to furnish the service particulars to grant temporary status. On verification it was found that the service particulars submitted by the Petitioner from 1983 to 1994 were bogus and manufactured one. Hence, the department did not consider the claim of the Petitioner. The Petitioner had submitted false services particulars with a view to getting employment and other benefits from the department. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, there is no such work and post with department. The Respondent Department does not engaged any casual mazdoor and as on date there is no casual mazdoor in the department. Since there is no work and there is no post, there is no scope for the Petitioner. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, the claim of the Petitioner has to be dismissed.

4. The point for my consideration is :—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the service of Shri K. Periyapayan, casual mazdoor is legal and justified? If not, to what relief, he is entitled?”

**Point :—**

Though the Petitioner/Workman Sri K. Periyapayan, has raised this industrial dispute against the General

Manager, Telecommunications, Kancheepuram Dist. demanding reinstatement as casual mazdoor, he has not chosen to file his Claim Statement either before the Tamil Nadu State Industrial Tribunal earlier or before this Tribunal after the matter has been transferred to the file of this Tribunal and notice to that effect was served on his counsel on record. Though his counsel has filed vakalat on his behalf in this case even before the Tamil Nadu State Industrial Tribunal on 31-3-2000 itself, when it was pending there, and notice of transfer of this case to the file of this Tribunal has been served on him, he has not chosen to appear before this Tribunal and to file the Claim Statement of the I Party/Petitioner and to prosecute this case further. But the II Party/Management alone had chosen to file the Counter Statement, in the absence of the claim statement filed by the I Party/Workman, as a reply to the claim made by the Petitioner/workman in his statement of claim he filed before the Regional Labour Commissioner, Chennai, by raising this industrial dispute as a petition under section 2A of Industrial Disputes Act, 1947 Xerox copies of muster rolls have been filed as documents in support of the stand taken by the Respondent/Management in disputing the claim made by the Petitioner/Workman in this industrial dispute. It is clearly averred in the Counter Statement of the Respondent/Management that the Petitioner/Workman was engaged only for 163 days during 1995 as Casual Labourer and the service certificates he produced earlier as he was in service from 1983 to 1994 were found to be bogus and manufactured one and it was categorically alleged in the Counter Statement that he has false service certificates and the department had not engaged him as casual mazdoor as claimed by him. It is further contended in the Counter Statement that he had not fulfilled the requisite qualifications to grant him Temporary Status Mazdoor under the Scheme introduced in the year 1989 for the Casual Labourers who actually worked in the Respondent Department. All these specific averments in the Counter Statement have not been disputed or denied by the Petitioner/Workman, who raised this industrial dispute. It is specifically averred in the Counter Statement of the Respondent/Management that the Petitioner was not appointed and terminated at any point of time and hence the question of appointment, termination and continuation in service does not at all arise. All these averments have not been disproved by the Petitioner/Workman by making plea as well as proving the same with legal evidence. Under such circumstances, as it is mentioned in this industrial dispute Schedule of Reference for the demand he made for reinstatement by the General Manager, Telecommunications, Chengalpattu, as casual mazdoor cannot be considered to be legal and justified. Hence, he is not entitled to the relief he prayed for in this dispute against the II Party/Telecommunication Department, Kancheepuram District, Chennai. Thus, the point is answered accordingly.

5. In the result, an Award is passed holding that the I Party/Workman is not entitled to any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined:—

##### For the I Party/Workmen:—

W.W. 1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W. 2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management:—

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case.

#### Common Documents Marked :—

##### For the I Party/Workmen :—

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners

##### For the II Party/Management:—

M.1 - Xerox copy of the service certificate issued in favour of Petitioners

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

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नई दिल्ली, 21 मई, 2002

का. आ. 2013.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 297/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/271/99-आई.आर.(डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 2013.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref No. 297/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/271/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT.

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO.297/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 320/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the workman Sri C Chandran and the Management of the General Manager, Telecommunications, Dist. S Chennai.]

BETWEEN

Sri C Chandran . I Party/Workman

AND

The General Manager, . II Party/Management  
 Telecommunications,  
 Kancheepuram Dist, Chennai.

## APPEARANCE :

For the Workman : M/s. M. Gnanasckar,  
C. Premavathi &  
G Manjula, Advocates

For the Management : Sri R. Kannappan,  
Addl. C. G. S.C.

The Government of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/271/99/IR(DU) dated 19-11-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 320/99. When the matter was pending enquiry in that Tribunal, the Government of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 297/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 13-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

## AWARD

The Industrial Dispute referred to in the above order of reference by the Central Government for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Shri C. Chandran, casual mazdoor is legal and justified? If not, to what relief, is he entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows:—

The I Party/Workman Sri. C. Chandran (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 10.03.1985 for digging, drawing wires, laying posts and for other allied

jobs as directed by his superiors. He was paid nominal wages of Rs.60.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1490 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs.60 as daily wages. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 15-06-1995 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 15-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and Additional Counter Statement denying the allegations of the Petitioner in the Claim

Statement about his appointment as Casual Labour on 10-03-1985 and his contention about continuous working with the Respondent/Department for a period of 1490 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of 82 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are :—

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-1989;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D. No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in LD.No.156/2001, and Sri K. Mohan, Petitioner in

I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D. No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Shri C. Chandran, Casual Mazdoor is legal and justified? If not, to what relief, is he entitled?"

**Point :**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at

the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like Lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked continuously till 1995. As he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been

mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the avail-

able evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourer only for short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management Department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project work and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and

they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners here created these for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So, under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.



(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002 )

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined :—**

**For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management :—**

M.W.1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D. No. 11/2001 and has taken as  
Common evidence in this case.

**Common Documents Marked :—**

**For the I Party/Workmen :—**

WI Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management :—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No.05851

M4 - Xerox copy of M.R. No.07188

M5 - Xerox copy of M.R. No.07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No. 6/06115

M12 - Xerox copy of M.R. No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R. No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No. 23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No. 09/20866

M67 - Xerox copy of M.R. No. 03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No. 02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No. 06/21253

M72 - Xerox copy of M.R. No. 13/27

M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 19/29

M75 - Xerox copy of M.R. No. 19/29

नई दिल्ली, 21 मई, 2002

**का. अ. 2014.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ संख्या 294/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/272/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 2014.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 294/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002.

[No. L-40012/272/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT :

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO.294/2001

[Tamil Nadu State Industrial Tribunal I.D. No. 317/99]

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M. Suresh Kumar and the Management of the General Manager, Telecommunications, Chennai.]

#### BETWEEN

Sri M. Suresh Kumar : I Party/Workman

AND

The General Manager. : II Party/Management

Telecommunications,

Kancheepuram Dist. Chennai.

APPEARANCE:

For the Workman : M/s. M Gnanasekaran, C.  
Premavathi, & G. Manjula,  
Advocates

For the Management : Sri R. Kanniappan,  
Addl C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/272/99/IR(DU) dated 19-11-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 317/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 294/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 13-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Shri M. Suresh Kumar, Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

2 The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri M. Suresh Kumar, (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 29-06-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1532 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period

formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telcom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous service and therefore, is entitled to be reinstated with all other service benefit including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3 The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 29-06-1984 and his contention about continuous working with the Respondent/Department for a period of 1532 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work, i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily

rated wages during 1995 for a period of 120 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D. No.156/2001, and Sri K.Mohan, Petitioner in I.D.No 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox

copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the xerox copies of the original muster rolls which are mentioned in those service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Shri M.Suresh Kumar, Casual Mazdoor is legal and justified? If not, to what relief, is he entitled?”

**Point : —**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the xerox copies of the original muster rolls which are mentioned in those service certificates under Ex.W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into court in their respective cases. In the cross-examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and

requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross-examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995, as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the

Respondent/Management for this Petitioner to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were

disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management Department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their

service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So, under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### **Common Witnesses Examined :—**

##### **For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### **For the II Party/Management :—**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case.

##### **Common Documents Marked :—**

##### **For the I Party/Workmen :—**

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### **For the II Party/Management :—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No. 6/06115

M12 - Xerox copy of M.R. No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M 36 - Xerox copy of M.R. No. 12/4  
 M 37 - Xerox copy of M.R. No. 14/4  
 M 38 - Xerox copy of M.R. No. 4/5  
 M 39 - Xerox copy of M.R. No. 7/5  
 M 40 - Xerox copy of M.R. No. 10/5  
 M 41 - Xerox copy of M.R. No. 11/5  
 M 42 - Xerox copy of M.R. No. 17/5  
 M 43 - Xerox copy of M.R. No. 22/5  
 M 44 - Xerox copy of M.R. No. 4/59  
 M 45 - Xerox copy of M.R. No. 04978  
 M 46 - Xerox copy of M.R. No. 8/06216  
 M 47 - Xerox copy of M.R. No. 07188  
 M 48 - Xerox copy of M.R. No. 7/4427  
 M 49 - Xerox copy of M.R. No. 15/06117  
 M 50 - Xerox copy of M.R. No. 9/06114  
 M 51 - Xerox copy of M.R. No. 18/06114  
 M 52 - Xerox copy of M.R. No. 6/06115  
 M 53 - Xerox copy of M.R. No. 18/06115  
 M 54 - Xerox copy of M.R. No. 1/08511  
 M 55 - Xerox copy of M.R. No. 2/08511  
 M 56 - Xerox copy of M.R. No. 22/08511  
 M 57 - Xerox copy of M.R. No. 13/08512  
 M 58 - Xerox copy of M.R. No. 23/08512  
 M 59 - Xerox copy of M.R. No. 10/08513  
 M 60 - Xerox copy of M.R. No. 15/20861  
 M 61 - Xerox copy of M.R. No. 18/20861  
 M 62 - Xerox copy of M.R. No. 12/20862  
 M 63 - Xerox copy of M.R. No. 11/20863  
 M 64 - Xerox copy of M.R. No. 19/20863  
 M 65 - Xerox copy of M.R. No. 11/20864  
 M 66 - Xerox copy of M.R. No. 09/20866  
 M 67 - Xerox copy of M.R. No. 03/20867  
 M 68 - Xerox copy of M.R. No. 14/20867  
 M 69 - Xerox copy of M.R. No. 02/20868  
 M 70 - Xerox copy of M.R. No. 12/20869  
 M 71 - Xerox copy of M.R. No. 06/21253  
 M 72 - Xerox copy of M.R. No. 13/27  
 M 73 - Xerox copy of M.R. No. 19/29  
 M 74 - Xerox copy of M.R. No. 4/29  
 M 75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का.आ. 2015.**— औद्योगिक विवाद अधिनियम, 1947 ( 1947 का 14 ) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संयुक्त नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण

चेन्नई के पंचाट ( संदर्भ संख्या 295/2001 ) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[ सं. एल-40012/273/99—आई.आर. ( डी.यू. ) ]  
 कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 2015.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 295/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/273/99—IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
 TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT:

K. Karthikeyan,  
 Presiding Officer

INDUSTRIAL DISPUTE NO. 295/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 318/99)

[In the matter of the dispute for adjudication under clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri M Babu and the Management of the General Manager, Telecommunications, Chennai.]

BETWEEN

Sri M. Babu I Party/Workman

AND

The General Manager. II Party/Management  
 Telecommunications.  
 Kancheepuram Distt.  
 Chennai.

APPEARANCE

For the Workman M/s M.Gnanasekar.  
 C.Premavathi. &  
 G.Manjula,  
 Advocates

For the Management Sri R. Kannappan  
 Addl C.G.S.C.

The Govt of India, Ministry of Labour in exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial

Dispute for adjudication vide Order No. L-40012/273/99/IR(DU) dated 19-11-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 318/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 295/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 13-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, additional counter statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Shri M. Babu Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri M. Babu (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 10-03-1985 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6 50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 851 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and

arbitrary. The I Party/Workman has been denied employment w.e.f. 25-06-1995 and, when his services were terminated he was getting Rs.60/- as daily wages. When he approached the concerned authority for conferment of temporary status he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 25-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 25-06-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement and additional Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 10-03-1985 and his contention about continuous working with the Respondent/Department for a period of 851 number of days of service and the alleged termination of the Petitioner from service on 25-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of less than 240 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called ‘Grant of Temporary Status to Casual Labourers’



was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;
3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the

original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Shri M. Babu Casual Mazdoor is legal and justified? If not, to what relief he is entitled?"

**Point: —**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. WW1 series, WW2 and WW3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross-examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross-examination that they have not mentioned all these things in their Claim Statements and they have not men-

tioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross-examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross-examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P.Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1985 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio* void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that he was appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were

engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross-examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross-examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross-examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross-examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and

Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted temporary status mazdoors for Casual Labourers.

From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners were engaged by the department as Casual Labourers only for short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management Department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as

WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners here created these for the purpose of these cases as the Respondent/Management contended it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So, under such circumstances, the question of Respondent not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined :—**

**For the I Party/Workmen:—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management :—**

M.W. 1 - Sh. P. Chandrasekar [DE (Legal & Commercial)] Examined in I.D. No. 11/2001 and has taken as Common evidence in this case.

**Common Documents Marked :—****For the I Party/Workmen :—**

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management :—**

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No. 05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No. 6/06115

M12 - Xerox copy of M.R. No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R. No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No. 23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No. 09/20866

M67 - Xerox copy of M.R. No. 03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No. 02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No. 06/21253

M72 - Xerox copy of M.R. No. 13/27

M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का.आ. 2016.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट संदर्भ संख्या (298/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/283/99—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 2016.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 298/2001) of the Central Government Industrial Tribunal, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workmen, which was received by the Central Government on 21-5-2002

[No. L-40012/283/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT:

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 298/2001

(Tamil Nadu State Industrial Tribunal I.D. No. 321/99)

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Palayam and the Management of the General Manager, Telecommunications, Chennai.]

BETWEEN

Sri S. Palayam : I Party/Workman

AND

The General Manager, : II Party/Management  
Telecommunications,  
Kancheepuram Dist.  
Chennai.

APPEARANCE:

For the Workman : M/s. M.Gnanasekaran,  
C.Premavathi &  
G.Manjula,  
Advocates

For the Management : Sri R. Kanniappan  
Addl. C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of Industrial Disputes Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/283/99/IR(DU) dated 19-11-1999.

This reference has been made earlier to the Tamil Nadu State Industrial Tribunal, Chennai, where it was taken on file as I.D. No. 321/99. When the matter was pending enquiry in that Tribunal, the Govt. of India, Ministry of Labour was pleased to order transfer of this

case from that Tribunal to this Tribunal for adjudication. On receipt of records from that Tribunal, the case has been taken on file as I.D. No. 298/2001 and notices were sent to the counsel on either side, informing them about the transfer of this case to this Tribunal, with a direction to appear before this Tribunal on 13-02-2001. On receipt of notice from this Tribunal, the counsels on either side present along with their respective parties and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, Additional Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating the services of Shri S. Palayam Casual Mazdoor is legal and justified? If not, to what relief, he is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri S. Palayam (hereinafter refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 14-12-1984 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid nominal wages of Rs.6.50 as daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1375 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 15-06-1995 and, when his services were terminated he was getting Rs.60 as daily wages. When he approached the concerned authority for conferment of temporary status he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department regarding his re-engagement. However, he has not

received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/ Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/ Department in terminating the services of Petitioner without notice or compensation is *ab initio* void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefit including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/ Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/ Telecom Department for a declaration that the order of termination dated 15-6-95 is illegal and arbitrary and consequently for a direction to the Respondent/ Management to reinstate the Petitioner in service w.e.f. 15-06-1995 and to pay all arrears of back wages and all other attendant benefits

3. The II Party/Management Telecom Department has filed a Counter Statement and Additional Counter Statement, denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 14-12-1984 and his contention about continuous working with the Respondent/Department for a period of 1375 number of days of service and the alleged termination of the Petitioner from service on 15-06-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1995 for a period of less than 95 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are : —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;

3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/ Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No. 156/2001, and Sri K. Mohan, Petitioner in I.D.No. 262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen Exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/ Management has advanced his arguments.

5. The Point for my consideration is —

"Whether the action of the General Manager, Telecommunications, Kancheepuram in terminating

the services of Shri S. Palayam, Casual Mazdoor is legal and justified, If not, to what relief, is he entitled?"

**Point:**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex. W1 to W3 have been marked as Ex. M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and

correct and their respective names are available in those original muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecom-munication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is *ab initio void* and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioners to claim that they were appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the

concerned Petitioner had worked in the Respondent/Department has been clearly given. It is their further contention that service certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidences available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhibits and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the

department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioner was engaged by the department as Casual Labourer only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management Department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners here created them for the purpose of these cases as the Respondent/Management contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under Section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preced-



ing the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Common Witnesses Examined :—

##### For the I Party/Workmen:—

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

##### For the II Party/Management :—

M.W. 1 - Sh. P. Chandrasekar [DE(Legal & Commercial)]  
Examined in I.D.No. 11/2001 and has taken as  
Common evidence in this case.

#### Common Documents Marked :—

##### For the I Party/Workmen :—

W1 Series (7) - Original service certificates issued in favour of Petitioners.

W2 - Original Service Note Book.

W3 Series (7) - Xerox copy of the service certificates issued in favour of Petitioners.

##### For the II Party/Management :—

M1 - Xerox copy of the service certificate issued in favour of Petitioners.

M2 - Xerox copy of M.R. No.05850

M3 - Xerox copy of M.R. No. 05851

M4 - Xerox copy of M.R. No. 07188

M5 - Xerox copy of M.R. No. 07193

M6 - Xerox copy of M.R. No. 19/04693

M7 - Xerox copy of M.R. No. 18/04693

M8 - Xerox copy of M.R. No. 3/06114

M9 - Xerox copy of M.R. No. 9/06114

M10 - Xerox copy of M.R. No. 18/06114

M11 - Xerox copy of M.R. No. 6/06115

M12 - Xerox copy of M.R. No. 5/06115

M13 - Xerox copy of M.R. No. 18/06115

M14 - Xerox copy of M.R. No. 1/08511

M15 - Xerox copy of M.R. No. 19/07289

M16 - Xerox copy of M.R. No. 7/4427

M17 - Xerox copy of M.R. No. 4/4431

M18 - Xerox copy of M.R. No. 13/15 948

M19 - Xerox copy of M.R. No. 15/06117

M20 - Xerox copy of M.R. No. 21/06119

M21 - Xerox copy of M.R. No. 13/08512

M22 - Xerox copy of M.R. No. 23/08512

M23 - Xerox copy of M.R. No. 10/08513

M24 - Xerox copy of M.R. No. 11/08514

M25 - Xerox copy of M.R. No. 15/20861

M26 - Xerox copy of M.R. No. 18/20861

M27 - Xerox copy of M.R. No. 12/20862

M28 - Xerox copy of M.R. No. 11/20863

M29 - Xerox copy of M.R. No. 03/20867

M30 - Xerox copy of M.R. No. 02/20868

M31 - Xerox copy of M.R. No. 13/20863

M32 - Xerox copy of M.R. No. 12/20869

M33 - Xerox copy of M.R. No. 23/20869

M34 - Xerox copy of M.R. No. 20/04631

M35 - Xerox copy of M.R. No. 24/2

M36 - Xerox copy of M.R. No. 12/4

M37 - Xerox copy of M.R. No. 14/4

M38 - Xerox copy of M.R. No. 4/5

M39 - Xerox copy of M.R. No. 7/5

M40 - Xerox copy of M.R. No. 10/5

M41 - Xerox copy of M.R. No. 11/5

M42 - Xerox copy of M.R. No. 17/5

M43 - Xerox copy of M.R. No. 22/5

M44 - Xerox copy of M.R. No. 4/59

M45 - Xerox copy of M.R. No. 04978

M46 - Xerox copy of M.R. No. 8/06216

M47 - Xerox copy of M.R. No. 07188

M48 - Xerox copy of M.R. No. 7/4427

M49 - Xerox copy of M.R. No. 15/06117

M50 - Xerox copy of M.R.No. 9/06114

M51 - Xerox copy of M.R. No. 18/06114

M52 - Xerox copy of M.R. No. 6/06115

M53 - Xerox copy of M.R. No. 18/06115

M54 - Xerox copy of M.R. No. 1/08511

M55 - Xerox copy of M.R. No. 2/08511

M56 - Xerox copy of M.R. No. 22/08511

M57 - Xerox copy of M.R. No. 13/08512

M58 - Xerox copy of M.R. No. 23/08512

M59 - Xerox copy of M.R. No. 10/08513

M60 - Xerox copy of M.R. No. 15/20861

M61 - Xerox copy of M.R. No. 18/20861

M62 - Xerox copy of M.R. No. 12/20862

M63 - Xerox copy of M.R. No. 11/20863

M64 - Xerox copy of M.R. No. 19/20863

M65 - Xerox copy of M.R. No. 11/20864

M66 - Xerox copy of M.R. No. 09/20866

M67 - Xerox copy of M.R. No. 03/20867

M68 - Xerox copy of M.R. No. 14/20867

M69 - Xerox copy of M.R. No. 02/20868

M70 - Xerox copy of M.R. No. 12/20869

M71 - Xerox copy of M.R. No. 06/21253

M72 - Xerox copy of M.R. No. 13/27

M73 - Xerox copy of M.R. No. 19/29

M74 - Xerox copy of M.R. No. 4/29

M75 - Xerox copy of M.R. No. 20/29

नई दिल्ली, 21 मई, 2002

**का.आ. 2017.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, चेन्नई के पंचाट संदर्भ संख्या (21/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/302/99-आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 21st May, 2002

**S.O. 2017.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 21/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/302/99-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Friday, the 17th May, 2002

PRESENT :

K. Karthikyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 21/2001

(Tamil Nadu State Industrial Tribunal ID No. 20/2000)

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between the Workman Sri S. Narayanasamy and the Management of Superintendent of Post Offices, Cuddalore Division, and the Post Master General, Chennai.)

#### BETWEEN

Sri S. Narayanasamy : I Party/Workman

AND

1. The Superintendent of : II Party/Management  
Post Offices, Cuddalore  
Division

2. The Post Master General, Chennai.

Appearance:-

For the Workman : Mr. M. Gopalswamy,  
Advocate

For the Management 1 & 2 :

Mr. Lakshmi  
Narayanan  
ACGSC

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned dispute for adjudication vide Order No. L-40012/302/99/IR(DU) dated 27-01-2000.

When the matter came up before me for final hearing on 2-4-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side, the written arguments filed by the learned counsel on either side this matter having stood over till this date for consideration, this Tribunal has passed the following :—

#### AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows:—

“Whether the Superintendent of Posts, Cuddalore is justified in not regularising and terminating the services of Shri S. Narayanasamy? If not, to what relief, the workman he is entitled?”

2. The averments in the Claim Statement filed by the I Party/Workman Sri S. Narayanasamy (hereinafter refers to as Petitioner) are briefly as follows:—

The Petitioner joined the post of EDDA/Mail Carrier of M. Adanur Branch Office by an order issued by the Assistant Superintendent of Post Offices, Chidambaram dated 1-12-93. That was a provisional appointment on an application sent by the Petitioner. By a memo dated 22-8-94, the Petitioner's service in the post of EDDA/Mail Carrier of M. Adanur was terminated. The Petitioner was again provisionally appointed as EDPBM of M. Adanur by an oral order of Superintendent of Post Offices, Cuddalore Division w.e.f. 25-1-1996. He worked continuously till 14-12-98 and subsequent to that he was denied employment, in view of one Sri Ravichandran was appointed to that post. The District Employment Officer, Cuddalore on the request of the Superintendent of Post Offices, Cuddalore Division, sponsored a list of candidates for filling up the post of BPM of M. Adanur on a permanent basis. In that list the Petitioner's name was omitted improperly. On protest made by the Petitioner, a second list was sent by the District Employment Officer with the name of the Petitioner. But, the 1st Respondent refused to give interview to the Petitioner along with the other candidates on 10-4-96. The Petitioner has also sent direct application to the 1st Respondent urging him to admit the Petitioner for the interview on 10-4-96. But it was all in vain. The Petitioner filed O.A. No. 369/96 before the Central Administrative Tribunal, Chennai, pray-

ing for a direction to the authorities to grant an interview to the Petitioner, as his name was sponsored in the second list by the District Employment Officer, Cudalore. The said O.A. was dismissed. Then the Petitioner filed a Writ Petition No. 19656/99 in the High Court in respect of denial of an Interview to the Petitioner on 10-4-96. The removal of the Petitioner from the post of BPM, M. Adanur without observing the provisions of Section 25F of the Industrial Disputes Act, 1947 is illegal and non-est. So, the Petitioner must be deemed to be on permanent employment in that post with continuity of service from 25-1-96. No notice under section 25F of Industrial Disputes Act was given to the Petitioner at the time of termination from service w.e.f. 14-12-98. The Petitioner had served for a continuous period of two years, ten months and twenty days. The Petitioner's request to the Respondent to include him in the list of 240 days worked employees was rejected. No reason was given for retrenchment of the Petitioner from service and no compensation was paid. The Petitioner filed by the Petitioner before the Assistant Labour Commissioner (Central) Chennai for conciliation ended in a failure. Hence, the Government had referred this matter as an industrial dispute to this Tribunal for adjudication. Hence, it is prayed that this Hon'ble Tribunal may be pleased to pass an award holding that the action of the Respondent in terminating the services of the Petitioner as Branch Post Master for M. Adanur is unjustified and illegal and consequently directing the Respondent to reinstate the Petitioner in service as Branch Post Master, M. Adanur/any other place in Cuddalore District with full back wages, continuity of service with all other attendant and consequential benefits.

3. The averments in the Counter Statement of the II Party/Management Superintendent of Post Offices, Cuddalore Division (hereinafter refers to as Respondent) are briefly as follows:—

The Petitioner is not a workman under Industrial Dispute Act and hence the petition is liable to be dismissed in limine. The Petitioner worked as a EDDA/Mail Carrier on M. Adanur Branch Office on provisional basis from 1-12-93 to 24-8-94. As per the instructions of Chief Post Master General, Tamil Nadu Circle Chennai by his letter dated 23-12-93 for inclusion in the dovetailed list of Casual Labourer, the E.D. outsider should have been employed before 11-02-88 besides completing 240 days of service in any two years prior to 11-2-88 or after 11-2-88. The Petitioner had been engaged as EDDA/Mail Carrier of M. Adanur Branch Office from 1-12-93 only. As per the said letter of instructions, if the outsider was engaged after 11-2-88 in order to be included in the dovetailed list of Casual Labourer, he should have been in service continuously for not less than three years at the time of discharge. Therefore, on both these counts, the Petitioner is not eligible to be continued as EDDA/Mail

Carrier of M. Adanur Branch Office. The Petitioner was allowed to work as Branch Post Master of M. Adanur Branch Office only on stop-gap arrangement w.e.f. 25-1-1996. Further he was allowed to work as a Branch Post Master continuously from 25-1-96 to 14-12-98 as per the interim order passed in O.A. No. 369/96 of Central Administrative Tribunal, Chennai. Thereafter, the Central Administrative Tribunal by an order dated 16-11-98 dismissed the said O.A. and directed to finalise the selection process within four weeks from 16-11-98. Pursuant to the said direction, on M. Ravichandran, a meritorious candidate was selected and appointed as Branch Post Master w.e.f. 14-12-98. One B. Mohan, Branch Post Master was promoted as a Post Man w.e.f. 29-1-96. Since there was no possibility to fill up the post immediately, the Petitioner was provisionally appointed as Branch Post Master w.e.f. 25-01-96. The 2nd list furnished by the employment exchange should not normally be accepted unless there is mention in the first list to the effect that further list will follow. In the first list dated 1-2-96 of the Employment Exchange for communication 'further list will follow' is not found. The other three lists were not taken into consideration and the applications were not sent to all candidates including the Petitioner. Further, seniority in the Employment Exchange is not the only eligibility condition for the post. The application of the Petitioner dated 20-3-96 was received at the office of the Respondent on 21-8-96. But the same was rejected as there was no provision of considering the application received directly instead of candidates sponsored by Employment Exchange. The termination of the service of the Petitioner is neither illegal nor arbitrary. It is justifiable. Hence, it is prayed that this Hon'ble Tribunal may be pleased to dismiss the claim of the Petitioner.

4. When the matter was taken up for enquiry, the Petitioner himself has examined as WW1 and had filed four documents as Ex. W1 to W4. The Respondent had examined one witness as MW1 and marked 6 documents as Ex. M1 to M6. The learned counsel on either side have filed their respective written arguments.

5. The Point for my consideration is —

“Whether the Superintendent of Posts, Cuddalore is justified in not regularising and terminating the services of Shri S. Narayansamy ? If not, to what relief, the workman is entitled?”

**Point : —**

It is admitted that the Petitioner was appointed on provisional basis as EDDA/Mail Carrier of M. Adanur Branch Office by the Assistant Superintendent of Post Offices, Chidambaram. It is also admitted that the Petitioner was appointed as Branch Post Master, M. Adanur Branch Post Office from 25-1-96 as stop-gap arrangement and his services were terminated on 13-12-98 in pursuance of the order passed by the Central Administra-

tive Tribunal, Chennai Bench in O.A. No. 369/96 dated 16-11-98. The xerox copy of that order is Ex. M2. On 14-12-98, one Mr. Ravichandran took charge of the post of Extra Departmental Branch Post Master, M. Adanur from the leave substitute one Sri. S. Adal. The xerox copy of that document dated 14-12-98 is Ex. W1. It is the evidence of MW1 that the Petitioner was employed as provisional EDDA for the period of less than three years and that consequent on the promotion of the Branch Post Master of Adanur Branch Office that post became vacant and that as regular appointment could not be made immediately, the Petitioner was appointed as Branch Post Master, Adanur Branch Post Office from 25-1-96 as a stop gap arrangement and that the post was filled up by regular appointment by terminating the services of the Petitioner on 14-12-98 in pursuance of the order passed by the Central Administrative Tribunal, Chennai Bench in O.A. No. 369/96. All these facts have not been disputed by the Petitioner. In the cross examination, the Petitioner as WW1 had admitted that at the time of his service has been discharged, he had not put in service continuously for not less than three years. Ex. M1 is the xerox copy of the instructions given by the Chief Post Master General, Tamil Nadu Circle, Chennai dated 23-12-93 in respect of considering appointment of Casual Labourers and E.D. outsiders to E.D. Posts. It is the evidence of MW1 in the cross examination that provisional appointees used to be included in the dovetailed list, if they satisfy the conditions mentioned in Ex. M1 and that as per the instructions in Ex. M1 for filling up the vacancy of the post in the department in the cadre of EDDPM Employment Exchange can be approached for sponsoring candidates, only after exhausting the dovetailed list and that as per subsequent instructions issued by the Department, they used to call for candidates sponsored by Employment Exchange and also persons in the dovetailed list for interview to fill up the vacancy in EDBPM cadre. It is also evidence that if a nominee of EDBPM works continuously for 240 days prior to 11-2-88 can be considered as Casual Labourers for inclusion in the dovetailed list. In Ex. M1 it is clearly mentioned that as per the directions given by the Central Administrative Tribunal to frame a scheme of regular absorption of ED outsiders engaged by the department in various vacancies as a one time measure, cut off date has been adopted as 11-2-1988 and that ED. outsiders whose services have engaged before 11-2-88 only will be eligible for inclusion in the dovetailed list and they should have completed 240 days of service in any two years prior to 11-2-88 or after 11-2-88 and that candidates initially engaged in service after 11-2-88 are not eligible for regularisation even if they have completed 240 days of service in any two years after their engagement. It is further mentioned in that instructions under Ex. M1, provisional appointees for ED posts who are appointed after 11-2-88 and allowed to continue for more than 240 days

will also be included in the dovetailed list based on their seniority, if they had put in not less than three years of service as per DG Posts letter dated 18-5-79 and that this provisional appointees who have completed 240 days in any two years after 11-2-88 will also be included in the dovetailed list based on their seniority. It is not disputed that the Petitioner was not engaged prior to 11-2-88. His first employment on provisional basis as EDDA/Mail Carrier was only on 1-12-93. At the first instance he had worked from 01-12-93 to 24-8-94. So he had not worked for continuously for a period of three years at the first instance when he has been engaged as an outsider in the E.D. department on 1-12-93. Subsequently, he was engaged as a stop gap arrangement as E.D. Branch Post Master, M. Adanur on 21-5-96. The Petitioner was able to continue in that post in view of the pending proceedings in O.A. No. 369/96 before the Central Administrative Tribunal, Chennai Bench and his services were terminated on 14-12-98 in pursuance of the order passed by the said Tribunal in that O.A. on 16-11-98. Ex. W4 is the xerox copy of the termination order given to the Petitioner, wherein it is stated that the services of the Petitioner were discharged w.e.f. 14-12-98 consequent on the judgement of Central Administrative Tribunal Chennai Bench dated 16-11-98 filed by him and O.A. No. 369/96 against selection of BPM of M. Adanur and his past service in this department will not confer upon him any right for future claim in this department. So, from this it is seen that only in pursuance of the pending proceedings of O.A. No. 369/96 filed by the Petitioner before the Central Administrative Tribunal, Chennai Bench, he was able to continue in service till 14-13-98 as it is seen from Ex. W4. So, from all these things, it is seen that the Petitioner is found ineligible to have his name included in the dovetailed list of the Respondent/Department.

6. The learned counsel for the Respondent had submitted in his written argument that as stated in the Counter Statement of the Respondent that the Petitioner having worked as Extra Departmental Branch Post Master governed by statutory regulations of the department and is not a workman under Industrial Disputes Act, as per the decision of the Supreme Court in Theyyam Joseph's case. So, the Petitioner cannot claim benefits under Industrial Disputes Act as he cannot be considered as a workman under Industrial Disputes Act, 1947. This contention of the learned counsel for the Respondent cannot be accepted because the Supreme Court in a case reported as 1997 (8) SCC 767 has overruled the Supreme Court Decision in the Theyyam Joseph's case holding that the decision in Theyyam Joseph's case is not the correct law. Hence, the arguments advanced by the learned counsel for the Respondent that Postal Department cannot be considered as an industry as per the decision of the Supreme Court in Theyyam Joseph's case and the employees of the Postal Department cannot be considered as workmen under Industrial Disputes Act cannot be accepted as correct. The

Petitioner who has been engaged by the Respondent Postal Department first as Extra Departmental Delivery Agent/Mail Carrier from 1-12-93 to 22-08-94 and next as Extra Departmental Branch Post Master of M. Adanur from 25-1-96 to 14-12-98 can be considered as a workman as per the Industrial Disputes Act. So far as the first engagement is concerned, though the Petitioner has worked more than 240 days continuously for his earlier non-employment from 22-8-94 the Petitioner has not raised any dispute stating that this disengagement from service by the Respondent/Department without following the provisions of Section 25F of Industrial Disputes Act, 1947 is illegal. The present dispute is only with regard to his termination of service as Extra Departmental Branch Post Master of M. Adanur from 14-12-98. It is the plea of the Petitioner that the action of the Respondent/Superintendent of Post Offices, Cuddalore in not regularising and terminating the services of the Petitioner is unjustified, since it is in violation of Industrial Disputes Act by not giving one month's notice giving reasons for retrenchment and by not paying any compensation. Admittedly, the Petitioner was allowed to continue in that post as Extra Departmental Branch Post Master, M. Adanur which has been made as a stop gap arrangement only in pursuance of the order passed by the Central Administrative Tribunal, Chennai Bench in O.A. No. 369/96 filed by the Petitioner. It is not disputed that subsequent to the dismissal of O.A. No. 369/96 by the Central Administrative Tribunal, Chennai Bench on 16-11-98, the post was filled up by regular appointment on 4-12-98 and consequently, the Petitioner was terminated from service. So, under such circumstances, for the period of service of the Petitioner in the Respondent Department as Extra Departmental Branch Post Master, M. Adanur from 25-01-96 to 14-12-98 cannot be taken for consideration for the eligibility period of service for the Petitioner to claim benefits under section 25F of Industrial Disputes Act or even to claim a right to have his name included in the dovetailed list of the Respondent/Department. Under such circumstances, it can be held that the Superintendent of Post Offices, Cuddalore is justified in not regularising and terminating the services of Sri S. Narayanasamy, the I Party/Workman. Hence, the concerned workman is not entitled for any relief. Thus, the point is answered accordingly.

7. In the result, an Award is passed holding that the I Party/Petitioner/Workman Sri S. Narayanasamy is not entitled for any relief. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 7th May, 2002.)

K. KARTHIKEYAN, Presiding Officer

#### Witnesses Examined :—

##### For the I Party/Workmen:—

W.W.1 Shri S. Narayanasamy

##### For the II Party/Management:—

MW1 Shri S. Ganesan

#### Exhibits Marked :—

##### For the I Party/Claimant :—

Ex. No.	Date	Description
W1	14-12-98	Xerox copy of the charge report with regard to handed over of office records of M. Adanur by Sri S. Adal to Sri Ravichandran
W2	14-12-98	Xerox copy of the charge report and receipt for cash and stamps on transfer of charge.
W3	19-04-2000	Xerox copy of the circular issued by the Superintendent of Post Offices, Cuddalore Division Calling for applications for the post of EDDPM.
W4	04-01-99	Xerox copy of the order of termination issued by the Superintendent of Post Offices, Cuddalore Division to the Petitioner.

##### For the II Party/Management:—

M1	23-12-93	Xerox copy of the circular issued by Chief Post Master General, Tamil Nadu circle to all PMsG/SPO/APMG with regard to appointment to ED posts.
M2	16-11-98	Xerox copy of the order of Central Administrative Tribunal, Madras Bench in O.A. No. 369 of 1996
M3	Nil.	Xerox copy of the writ petition filed before the High Court as W.P. No. 19656/98 and the copy of Affidavits filed along with that petition
M4	09-03-99	Xerox copy of the Counter affidavit filed by Respondents 1 and 2 before the High Court in W.P. No. 19656 of 1998.
M5	12-02-2001	Xerox copy of the order of High Court in W.P. No. 19656 of 1998 and WMP No. 29811 of 1998
M6	31-08-98	Xerox copy of the letter from Chief Post Master General, Tamil Nadu Circle to All PMs with regard to recruitment of ED agents through Employment Exchange.

नई दिल्ली, 21 मई, 2002

का. आ. 2018.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार दूर संचार विभाग के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चेन्नई के पंचाट (संदर्भ संख्या 346/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/421/2000—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 21st May, 2002

S.O. 2018.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 346/2001) of the Central Government Industrial Tribunal/Labour Court Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Telecom Deptt. and their workman, which was received by the Central Government on 21-5-2002

[No. L-40012/421/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT, CHENNAI

Tuesday, the 30th April, 2002

PRESENT :

K. Karthikeyan, Presiding Officer

INDUSTRIAL DISPUTE NO. 346/2001

[In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), between Sri K. Narayanan and the Management of General Manager, Telecom.]

BETWEEN

Sri K. Narayanan : I Party/Workman

AND

The General Manager, : II Party/Management

Telecommunications,

Chengalpattu, Chennai.

Appearance :—

For the Workman : M/s. M. Gnanasekar,  
C. Premavathi  
Advocates

For the Management : Sri R. Kannappan  
Addl. C.G.S.C.

The Govt. of India, Ministry of Labour in exercise of powers conferred by clause (d) of sub-section (1) and

sub-section 2(A) of Section 10 of Industrial Dispute Act, 1947 (14 of 1947), have referred the concerned Industrial Dispute for adjudication vide Order No. L-40012/421/2000/IR(DU) dated 27-12-2000.

On receipt of records from the Govt. of India, Ministry of Labour, the case has been taken on file as I.D. No. 346/2001 and notices were sent to the parties to the dispute, with a direction to appear before this Tribunal on 14-2-2001 and to file their respective Claim Statement and Counter Statements. Accordingly, the learned counsels on record on either side have filed their respective Claim Statement and counter statement and prosecuted the case further.

When the matter came up before me for final hearing on 01-04-2002, upon perusing the Claim Statement, Counter Statement, the other material papers on record, the oral and documentary evidence let in on either side as common evidence for this case and the connected similar cases and after hearing the arguments advanced by the learned counsel for the II Party/Management alone, this matter having stood over till this date for consideration, this Tribunal has passed the following :—

AWARD

The Industrial Dispute referred to in the above order of reference by the Central Govt. for adjudication by this Tribunal is as follows :—

“Whether the termination and non-regularisation of Sri K. Narayanan by the management of Telecom Department is legal and justified? If not, to what relief the workman is entitled?”

2. The facts of the industrial dispute as pleaded by the I Party/Workman are briefly as follows :—

The I Party/Workman Sri K. Narayanan (herein after refers to as Petitioner) was engaged as casual labour in the II Party/Management Telecom Department (hereinafter refers to as Respondent) on 15-10-84 for digging, drawing wires, laying posts and for other allied jobs as directed by his superiors. He was paid daily rated wages. Though the Petitioner has been continuously working with the Respondent, and has put in 1840 number of days of service, he had not been regularised. The Department of Telecommunication in order to absorb the casual mazdoors working in the department for a long period formulated a Scheme known as casual mazdoors (Grant of Temporary Status and Regularisation) Scheme. The Respondent/Telecom Department failed to confer temporary status on the Petitioner under the said Scheme, which is illegal and arbitrary. The I Party/Workman has been denied employment w.e.f. 23-05-1995 and, when his services were terminated he was getting Rs. 1600 per month. When he approached the concerned authority for conferment of temporary status, he was informed that he will be taken back to duty. The Petitioner was waiting for orders from the Respondent/Telecom Department re-

garding his re-engagement. However, he has not received any orders nor he was taken back to duty so far. His service was utilised for the regular work that is perennial in nature. Therefore, when the work and the necessity to engage the Petitioner continuous, there is no reason or justification for denying the employment to the Petitioner. No reason was given by the Respondent/Telecom Department for terminating the services of the Petitioner and the Respondent failed to follow the principles of natural justice. No enquiry was conducted and the Petitioner was not given any opportunity before his services were discontinued. The Petitioner has put in more than a decade continuous service and the termination of his service is in violation of the provisions of Section 25F of the Industrial Disputes Act, 1947. Further, the Petitioner was not given any notice or compensation in terms of the said provision of Industrial Disputes Act, 1947. Hence, the action of the Respondent/Department in terminating the services of the Petitioner without notice or compensation is ab initio void and the Petitioner is deemed to be in continuous in service and therefore, is entitled to be reinstated with all other service benefits including arrears of back wages. The Respondent ought to have conferred temporary status as per the temporary status scheme and further absorbed him against regular Group D post. The Respondent/Telecom Department's action in not doing so is illegal and arbitrary. Hence, this industrial dispute has been raised against the Respondent/Telecom Department for a declaration that the order of termination dated 23-05-95 is illegal and arbitrary and consequently for a direction to the Respondent/Management to reinstate the Petitioner in service w.e.f. 23-05-1995 and to pay all arrears of back wages and all other attendant benefits.

3. The II Party/Management Telecom Department has filed a Counter Statement denying the allegations of the Petitioner in the Claim Statement about his appointment as Casual Labour on 15-10-84 and his contention about continuous working with the Respondent/Department for a period of 1840 number of days of service and the alleged termination of the Petitioner from service on 23-05-1995. It is further alleged that the Petitioner was engaged purely on casual basis for the unskilled work i.e. to carry out digging, drawing out wires, laying posts and for other casual works on daily rated wages during 1994-95 for a period of 212 days only. The department used to engage the Petitioner as and when there was work. In 1989, a Scheme called 'Grant of Temporary Status to Casual Labourers' was introduced for the Casual Labourers who actually worked. The essential conditions of the scheme are —

1. The casual labour should have been engaged prior to 31-3-1985;
2. He should be currently employed on the date of the implementation of Scheme i.e. 01-10-89;

3. He should have put in 240 days continuous service in any one of the preceding years prior to 01-10-1989; and
4. There should not be a break for a period of more than one year.

The petitioner was directed to furnish the service particulars to grant temporary status and the petitioner also furnished the service particulars. Since the petitioner did not fulfil all the aforesaid mandatory conditions he could not be granted TSM status. The service particulars submitted by the Petitioner were scrutinized and found to be bogus. The petitioner had produced false service certificates with a view to get the benefits like regularisation etc. from the department. So, the department did not consider the claim of the Petitioner. The alleged work done by the Petitioner is not skilled and perennial in nature. As on date, the department is not engaging Casual Labour like the Petitioner for any purpose and also not doing such type of work as done by the Petitioner. Since there is no work and there is no post, there is no scope for the Petitioner for his re-employment in the Respondent/Telecom Department. The Petitioner was engaged on casual basis as and when required by the department, hence, he is not eligible for reinstatement as per the law and as well as Temporary Status Mazdoor Scheme. Hence, it is prayed that the Hon'ble Tribunal may be pleased to dismiss the claim petition.

4. When the matter was taken up for enquiry, the learned counsel on either side represented that this case along with the similar industrial disputes raised by the workmen like the Petitioner pending enquiry before this Tribunal for adjudication can be tried together jointly and the evidence given in I.D.No. 156/2001 on either side can be treated as common evidence for all these cases. On the side of the Petitioner/Workman Sri K. Umapathy, Petitioner in I.D.No.156/2001, and Sri K.Mohan, Petitioner in I.D.No.262/2001 have been examined as WW1 and WW2 respectively. As per the memo filed by the learned counsel for the Respondent/Management, the evidence given by one Divisional Engineer, Mr. P. Chandrasekar, who has been examined as a common witness MW1 in I.D.No. 11/2001, has been treated as a common evidence for this case and other similar connected cases. On the side of the Petitioner, the xerox copy of the service certificates have been marked as common Workmen exhibits. On the side of the Management the Xerox copy of the services certificate of WW1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. The learned counsel for the II Party/Management has advanced his arguments.

5. The Point for my consideration is—

“Whether the termination and non-regularisation of Sri K. Narayanan by the management of Telecom

Department is legal and justified ? If not, to what relief, the workman is entitled?"

**Point :—**

When the matter was taken up for enquiry, as per the request of the learned counsel on either side, a joint trial of these 60 cases which are similar in nature has been conducted. Two out of these Petitioners have been examined as WW1 and WW2. W1 series, W2 and W3 series, the service certificates of WW1 and WW2 respectively have been marked. On the side of the Management the Xerox copy of the services certificate of WW 1 filed before the conciliating authority earlier and the Xerox copies of the original muster rolls which are mentioned in those Service certificates under Ex.W1 to W3 have been marked as Ex.M1, M2 to M75. Apart from these documents the other Petitioners also filed in Court individually in their respective cases as the service certificates issued to them mentioning their service particulars, which are remained unmarked documents. The common claim made by all these Petitioners in their respective industrial dispute against the Respondent/Telecom Department is that the termination of the Petitioners from service by the Respondent/Management is illegal and they must be reinstated in service by the Respondent/Management from the date of their respective termination from service as mentioned in their respective Claim Statements. They have raised these claims based on the service records. They were filed into Court in their respective cases. WW1 and WW2 have spoken about their respective service certificates they have filed into Court in their respective cases. In the cross examination of both the Petitioners WW1 and WW2, they have admitted that they have given their service particulars to the Respondent/Department as per the direction of the department for consideration to confer temporary status mazdoors only. It is their further contention in the evidence that at the inception when they met the Telecom people, who were doing the work of the department near their house, requested those permanent employees of the Respondent/Telecom Department like lineman to give them work and as per their direction they went to see the Assistant Engineer, and requested him to provide work in the Respondent/Department. WW1 and WW2 who have deposed as common witnesses for these Petitioners have stated in the cross examination that they have not mentioned all these things in their Claim Statements and they have not mentioned so in their earlier Claim Statements filed before the Regional Commissioner of Labour, Chennai, in the conciliation proceedings. They further say that they do not know the name of the Assistant Engineer, whom they met and asked for work. It is their further evidence, that they used to get the wages by signing the muster rolls and the numbers of muster rolls mentioned in their respective service certificates are true and correct and their respective names are available in those original

muster rolls mentioned in their respective service certificates. They further say in the cross examination that they mentioned in their respective Claim Statements that they were given service certificates by the Assistant Engineer for the days they worked in the Respondent/Department. They have also denied the suggestion in the cross examination, that the service certificates produced by these Petitioners in their respective cases are all false certificates and they were created by them. They have also denied the suggestion that they have not worked in the Respondent/Telecom Department for the period they have mentioned by days in their respective Claim Statements. On the side of the Respondent/Management, the evidence given by Divisional Engineer, one Mr. P. Chandrasekar as MW1 earlier has been treated as common evidence for this case and similar connected other cases as per the memo filed by the learned counsel for the Respondent/Management. According to the Petitioner, he was engaged by the Respondent/Management Department of Telecommunication as casual mazdoor in the year 1984 and worked continuously till 1995 as he has stated in his Claim Statement. It is his further allegation in the Claim Statement that all of a sudden he was terminated and the action of the Respondent/Management, Telecommunication Department in terminating him from service in not following the provisions of the Industrial Disputes Act, 1947 is ab initio void and illegal. Since the said action of the Respondent/Management is illegal, he must be reinstated in service by the Respondent/Management from the date of the alleged termination of service in the year 1995. But it is the contention of the Respondent/Management and also the evidence of MW1 that service certificates filed by the Petitioners are all false and created by themselves and they have not mentioned anything with regard to availability of service certificates in their Claim Statements. The learned counsel for the Respondent/Management would further contend that in the Claim Statement of the Petitioners nothing has been mentioned as to who appoint them and where they have worked and who in the Respondent Department has terminated them from service. There is no appointment order as well as the termination order passed by the Respondent/Management for these Petitioner to claim that they were appointed by the Respondent/Telecom Department and he was terminated against the provisions of Industrial Disputes Act, 1947. According to the Management of Telecom Department, these people were engaged in the year 1995 and some persons were engaged at the end of 1994 for assisting the regular staff of the Respondent/Telecom Department for laying the cables, and erecting poles and other connected casual works. It is the specific stand of the Respondent/Management that all these Petitioners have not worked for 240 days and in the Counter Statement filed by the Respondent/Management in their respective cases, the days for which the concerned Petitioner had worked in the Respondent/Department has been clearly



given. It is their further contention that seervice certificates relied upon by these Petitioners as issued by the officials of the Respondent/Telecom Department were not issued by the department and they were created by the Petitioners themselves and the particulars of the alleged service in the Telecom Department mentioned in the service certificates said to have been issued by the officials of the Respondent/Department from 1984 to 1995 are all bogus. By sufficient documentary evidence, evidence through Ex.M2 to M75 original muster rolls in the cross examination of WW1 and WW2 and through the common evidence of MW1 it has been established that the particulars given in the service certificates by the Petitioners are bogus. WW1 and WW2 have clearly admitted in their cross examination when their attention have been drawn to the entries in the original muster rolls mentioned in their service certificates that their names have not been available in the original muster rolls, maintained by the Telecom Department. The xerox copy of those muster rolls have been exhibited on the side of the Respondent/Management as Management Exhibits M2 to M75. In the cross examination of the common witness for the Management MW1, no suggestion is put to him about the work of the Petitioner for 240 days in the Telecom Department. No suggestion was put in the cross examination of MW1 that the particulars furnished in the service certificates produced by the Petitioners are not bogus but they are genuine. On the side of the Petitioners, no one has been examined as a witness to prove the service certificates they are relying upon. The officials in the Telecom Department, who said to have issued those certificates have not been examined by the Petitioners to prove their respective service certificates. From these common evidence available, it is seen that these Petitioners have worked for few days by assisting the regular staff of the Respondent/Telecom Department in carrying out the departmental work as Casual Labourers. From the available evidence, it is seen that these Petitioners were engaged as Casual Labourers by the regular departmental workmen for the seasonal work of the department they were attending and they were disengaged on completion of the particular work. From this it is seen that the contention of the Petitioner in the Claim Statement that the work will be available always and it is perennial type of work are all false. The Petitioners who have been examined as common witnesses for workmen as WW1 and WW2 have admitted that they were engaged as Casual Labourers by the regular staff of the department only to assist them for doing the departmental work as and when it was necessary. From the evidence available in this case, it is seen that Petitioners who have been working as casual mazdoors temporarily by assisting the regular and permanent staff of Respondent/Telecom Department have disengaged, since the work they were attended were completed and there was no further work for them to do. So from the materials available in this case by way of exhib-

its and evidence, it is clearly established by the Respondent/Management by production of original muster rolls which have been referred to in service certificates of the Petitioners that the Petitioners have never worked as Casual Labourers under those muster rolls for the said period and have not been paid wages by the department. From this, it is seen as contended by the learned counsel for the Respondent/Management in his argument that the particulars given in the service certificates produced by the Petitioners are not true particulars but they are bogus certificates. If really, the particulars given in the service certificates relied upon by the Petitioners are true, the Respondent/Department would have granted them temporary status mazdoors for Casual Labourers. From the evidence available in these cases, it is abundantly proved by the Respondent/Department that these Petitioners have not worked continuously from 1984 to 1995. Further, it is seen from the evidence available that the Petitioners was engaged by the department as Casual Labourers only for a short period as and when required and he was given wages on daily rated basis. It is the evidence of MW 1 that the work the Petitioners were doing as Casual Labourers was only seasonal work and it was not a continuous one and it is not available all through the year. It cannot be denied that the work these Petitioners attended as Casual Labourers in the Respondent/Management department were only development work like opening new telephone exchanges and strengthening the existing exchanges and they were done as project works and on completion of that work, these Petitioners have no work in the department to continue in service. It is the definite evidence of MW1 that on checking the service particulars given by the Petitioners, the department has found that the particulars they furnished are not true and they were found to be bogus. All these things cannot be denied. It has been demonstrated before this Tribunal by the Respondent/Management by relevant documents that the names of the Petitioners were not available in the original muster rolls that has been mentioned in their service certificates. From this, it is established that the particulars given in their service certificates are false. No date of issue of those service certificates is available in the service certificates. The Petitioners who have been examined as common witnesses for these Petitioners as WW1 and WW2 also have not stated in their evidence, the dates on which they were issued those service certificates by the concerned officials in the department. If they were really issued by the officials of the Respondent/Telecom Department as a record for their service in the department, the Petitioner would not have been failed to mention all these things in their respective Claim Statements. The non-mention of the same in their Claim Statements and the production of these certificates without any basis during trial of the cases before this Tribunal go to show that these Petitioners have created them for the purpose of these cases as the Respondent/Management

contends it. From the available materials, it is seen that the Respondent/Management in regular course did not employ Petitioners and they were not given independent work, so the question of retrenchment from service does not at all arise. So under such circumstances, the question of Respondents not following the provisions of Industrial Disputes Act, 1947 and the issuance of prior notice and compensation under section 25F of Industrial Disputes Act, 1947 will not at all arise. As per the recent decisions of the Supreme Court, the Petitioner has to prove conclusively with acceptable, legal evidence that he has worked in the Respondent/Telecom Department as a Casual Labour for a continuous period of 240 days preceding the date on which they have been disengaged from work. In the absence of such evidence on the side of the Petitioner, it can be concluded that they have no right to claim even conferment of temporary status of casual mazdoors and also to claim reinstatement in service in the Respondent/Telecom Department. So, under such circumstances, from the available materials it is seen that the action of the Management of Telecom Department in not engaging these Petitioners as casual mazdoors, subsequent to completion of work for which they have engaged is legal and justified. Hence, this Petitioner is not entitled to the relief he prayed for in his Claim Statement. Thus, the point is answered accordingly.

6. In the result, an Award is passed holding that the Petitioner is not entitled to the relief prayed for in the Claim Statement. No Cost.

(Dictated to the Stenographer, transcribed and typed by him, corrected and pronounced by me in the open court on this day the 30th April, 2002.)

K. KARTHIKEYAN, Presiding Officer

**Common Witnesses Examined :—**

**For the I Party/Workmen :—**

W.W.1 - Sh. K. Umapathy (Petitioner in I.D. 156/2001)

W.W.2 - Sh. K. Mohan (Petitioner in I.D. 262/2001)

**For the II Party/Management :—**

M.W. 1 - Sh. P. Chandrasekar [DE(Legal and Commercial)] Examined in I.D. No. 11/2001 and has taken as Common evidence in this case.

**Common Documents Marked :—**

**For the I Party/Workmen :—**

W 1 Series (7) — Original service certificates issued in favour of Petitioners.

W 2 — Original Service Note Book.

W 3 Series (7) — Xerox copy of the service certificates issued in favour of Petitioners.

**For the II Party/Management :—**

M1 — Xerox copy of the service certificate issued in favour of Petitioners.

M2 — Xerox copy of M.R. No. 05850

M3	—	Xerox copy of M.R. No. 05851
M4	—	Xerox copy of M.R. No. 07188
M5	—	Xerox copy of M.R. No. 07193
M6	—	Xerox copy of M.R. No. 19/04693
M7	—	Xerox copy of M.R. No. 18/04693
M8	—	Xerox copy of M.R. No. 3/06114
M9	—	Xerox copy of M.R. No. 9/06114
M10	—	Xerox copy of M.R. No. 18/06114
M11	—	Xerox copy of M.R. No. 6/06115
M12	—	Xerox copy of M.R. No. 5/06115
M13	—	Xerox copy of M.R. No. 18/06115
M14	—	Xerox copy of M.R. No. 1/08511
M15	—	Xerox copy of M.R. No. 19/07289
M16	—	Xerox copy of M.R. No. 7/4427
M17	—	Xerox copy of M.R. No. 4/4431
M18	—	Xerox copy of M.R. No. 13/15948
M19	—	Xerox copy of M.R. No. 15/06117
M20	—	Xerox copy of M.R. No. 21/06119
M21	—	Xerox copy of M.R. No. 13/08512
M22	—	Xerox copy of M.R. No. 23/08512
M23	—	Xerox copy of M.R. No. 10/08513
M24	—	Xerox copy of M.R. No. 11/08514
M25	—	Xerox copy of M.R. No. 15/20861
M26	—	Xerox copy of M.R. No. 18/20861
M27	—	Xerox copy of M.R. No. 12/20862
M28	—	Xerox copy of M.R. No. 11/20863
M29	—	Xerox copy of M.R. No. 03/20867
M30	—	Xerox copy of M.R. No. 02/20868
M31	—	Xerox copy of M.R. No. 13/20863
M32	—	Xerox copy of M.R. No. 12/20869
M33	—	Xerox copy of M.R. No. 23/20869
M34	—	Xerox copy of M.R. No. 20/04631
M35	—	Xerox copy of M.R. No. 24/2
M36	—	Xerox copy of M.R. No. 12/4
M37	—	Xerox copy of M.R. No. 14/4
M38	—	Xerox copy of M.R. No. 4/5
M39	—	Xerox copy of M.R. No. 7/5
M40	—	Xerox copy of M.R. No. 10/5
M41	—	Xerox copy of M.R. No. 11/5
M42	—	Xerox copy of M.R. No. 17/5
M43	—	Xerox copy of M.R. No. 22/5
M44	—	Xerox copy of M.R. No. 4/59
M45	—	Xerox copy of M.R. No. 04978
M46	—	Xerox copy of M.R. No. 8/06216
M47	—	Xerox copy of M.R. No. 07188
M48	—	Xerox copy of M.R. No. 7/4427
M49	—	Xerox copy of M.R. No. 15/06117
M50	—	Xerox copy of M.R. No. 9/06114

M51	—	Xerox copy of M.R. No. 18/06114
M52	—	Xerox copy of M.R. No. 6/06115
M53	—	Xerox copy of M.R. No. 18/06115
M54	—	Xerox copy of M.R. No. 1/08511
M55	—	Xerox copy of M.R. No. 2/08511
M56	—	Xerox copy of M.R. No. 22/08511
M57	—	Xerox copy of M.R. No. 13/08512
M58	—	Xerox copy of M.R. No. 23/08512
M59	—	Xerox copy of M.R. No. 10/08513
M60	—	Xerox copy of M.R. No. 15/20861
M61	—	Xerox copy of M.R. No. 18/20861
M62	—	Xerox copy of M.R. No. 12/20862
M63	—	Xerox copy of M.R. No. 11/20863
M64	—	Xerox copy of M.R. No. 19/20863
M65	—	Xerox copy of M.R. No. 11/20864
M66	—	Xerox copy of M.R. No. 09/20866
M67	—	Xerox copy of M.R. No. 03/20867
M68	—	Xerox copy of M.R. No. 14/20867
M69	—	Xerox copy of M.R. No. 02/20868
M70	—	Xerox copy of M.R. No. 12/20869
M71	—	Xerox copy of M.R. No. 06/21253
M72	—	Xerox copy of M.R. No. 13/27
M73	—	Xerox copy of M.R. No. 19/29
M74	—	Xerox copy of M.R. No. 4/29
M75	—	Xerox copy of M.R. No. 20/29

नई दिल्ली, 24 मई, 2002

**का.आ. 2019.**— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 1, धनबाद के पंचाट (संदर्भ संख्या 99/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं. एल-40012/44/98—आई.आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 24th May, 2002

**S.O. 2019.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947. (14 of 1947), the Central Government hereby publishes the award (Ref. No. 99/98) of the Central Government Industrial Tribunal/Labour Court No.-I, Dhanbad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Postal Deptt. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-40012/44/98-IR (DU)]

KULDIP RAI VERMA, Desk Officer

## ANNEXURE

### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL NO. I DHANBAD

[In the matter of a reference under Sec. 10(1)(d)(2A) of the Industrial Disputes Act, 1947.]

Reference No. 99 of 1998

#### PARTIES :

Employers in relation to the management of Sub Divisional Inspector of Post Offices.

#### AND

Their Workmen.

#### PRESENT :

Shri S. H. Kazmi, Presiding Officer.

#### APPEARANCES:

For the Employers : Shri H. Nath, Advocate.

For the Workman : Shri B. B. Prasad, Advocate.

State : Bihar.

Industry : Postal.

Dated, the 15th May, 2002

#### AWARD

By Order No. L-40012/44/98-IR(DU) dated 30-11-1998 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by Clause (d) of sub-section (1) and sub-sec. (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

“Whether the action of the management of Postal Department in terminating the services of Sh. Anil Kumar Sinha is legal and justified? If not, what relief the workman is entitled to?”

2. Precisely, the case of the concerned workman is that he was employed on 25-1-1991 as Mail Carrier (Runner) to carry postal mail bags in Sahpur Banahi Line against a vacant post under the Order dated 25-1-1991 of Sub-Postmaster, Sahpurpati duly recorded in the Office Order Book on the strength of the directions issued by the Sub-divisional Inspector of Post Offices, West Sub-division, Arrah. Further it has been stated that though the Post was vacant but for the reasons not communicated to the workman his services were terminated on 3-12-1992 under the verbal order of Sub-Postmaster, Sahpurpati. The concerned workman apprehended that his non-participation in one day token strike on 29-11-1991 was the main reason for terminating his services by the Sub-Postmaster Sahpurpati who joined the said illegal strike. Against the said termination, further it is said, the concerned workman filed a complaint dated 6-5-97 before the R.L.C. (C), Patna. The management

appeared but subsequently no conciliation could be arrived at and the same ended in failure. Thereafter the dispute was ultimately referred to this Tribunal for final adjudication.

3. The management, on the other hand, while controverting several claims of the concerned workman has come out with the case, as disclosed in its written statement, that the Sub-Postmaster, Sahapurpati, Arrah, S.O., Yogendra Prasad Sinha engaged his son, namely, the concerned workman as Coolie to manage the work of a Runner for a short period vide order dated 25-1-1991 though as per rules regarding employment, the name of the concerned workman should have been sponsored by the Employment Exchange. Further, it has been submitted that the concerned workman was neither recruited by the Superintendent of Post Offices nor appointed by the Sub-divisional Inspector of Post Offices, as required, and hence he cannot be said to have been appointed on the post of Runner. Though in the order the name of a person engaged is not disclosed but since the concerned workman was the son of a Sub-Postmaster it was ordered by name to establish the employment of the concerned workman with mala fide intention. Further the case is that the concerned workman did not work as Coolie after 5-3-1991 as per Attendance Register in which his name finds mentioned though as per the practice and law applicable to the Post Offices the name of the concerned workman should not have been entered in the Attendance Register by his father. It is said that the concerned workman worked as Coolie on different dates and was paid coolie charges. He never worked regularly as a coolie. It has also been said that the management never violated the provisions of Sec. 25-F of the I.D. Act, 1947 as the same is not applicable to this case. It is also said that the concerned workman worked only for 30 days in 1991 as coolie and his service as coolie came to an end when the permanent employee joined. Accordingly, lastly it is said that the claim of the concerned workman is baseless, false and mischievous. Since he was a casual worker, there was no question of termination of his service.

In rejoinder to the written statement of the workman also apart from denying several facts it has been averred that the concerned workman never wrote any letter to any authority through U.P.C. or otherwise and his claim in this regard is false and mischievous.

The workman also in his rejoinder to the written statement of the management has controverted the stand taken by the management and has further stated that he worked continuously not only for 240 days, but in all 312 days within 12 calendar months and as such he could not have been retrenched without following the provision of Sec. 25-F of the I.D. Act, 1947. As regards the Attendance Register it has been mentioned that no 'Hazri' is really required to be maintained of such worker and so when it was noticed that 'Hazri' of the concerned

workman was wrongly been maintained, it was discontinued.

4. Both the sides have led oral evidence and from the side of the management few documents have also been marked as exhibits, such as, Attendance Register, Order Book etc. During the proceeding it appears that though certain documents were filed from the side of the concerned workman also but the same were not considered necessary for being marked as exhibits. However, the significance or the relevance of the aforesaid materials placed before the Tribunal would be considered or dealt with in course of the discussions made hereinafter.

5. Considering the aforesaid stands taken on behalf of the respective sides quite evidently the moot question which appears to be there and which requires consideration is whether the concerned workman can be taken to have been duly employed and later retrenched from his service and further whether prior to his disengagement he had already completed 240 days of working or even more than that, in one calendar year.

6. It has been strenuously urged on behalf of the concerned workman that pursuant to his appointment as a Runner by order dated 25-1-91 he joined the service and worked continuously for more than 312 days and without any rhyme or reason with effect from 3-12-91 his services were terminated without following the norms and procedure prescribed under the Industrial Disputes Act whereas on the other hand very emphatically it has been asserted from the side of the management that the concerned workman was illegally engaged by none other than his father who worked in the same Post Office, leaving aside all the prescribed rules and procedures and alternatively even if it is taken that casual engagement. On need basis could have very well made by the workman's father who happened to be an officiating Sub-Postmaster then also the concerned workman does not deserve any relief as he had worked only for 30 days which is evident from the Attendance Register produced.

7. Quite obviously much stress from the side of the concerned workman is upon the aspect that he has worked continuously for more than 312 days which is supported by a certificate also given by the Sub-Postmaster who joined after 4-3-1991 pursuant to the transfer of the father of the concerned workman. As regards the entries made in the Attendance Register it has been urged that the same were not required in case of the concerned workman and so upon realisation of the said fact the same was discontinued and it is for this reason the attendance of the concerned workman has only been marked till 4-3-1991 whereas he went on working regularly till 3-12-1991 on which date his services were terminated under the verbal order of the then Sub-Postmaster of the concerned post office.

Out of the materials gathered firstly it is required

8. It is an admitted fact that on 25-1-1991, Jogendra Prasad Sinha, the father of the concerned workman was the officiating Sub-Postmaster and on which date he engaged his son in place of one Gopaljee, an officiating Runner. It is mentioned in the order dated 25-1-1991 that the concerned workman would manage the work of Gopaljee. There is mention of an order by Sub-divisional Inspector though subsequently no such order was filed. The Order Book is marked Ext. M-2 and the aforesaid order dated 25-1-91 is marked Ext. M-1. Yet another order dated 28-1-91 contained in the said Order Book is marked Ext. M-1/1. By this order the concerned workman was assigned the duties. It is worth mentioning that both the orders are admittedly under the handwritings and signatures of the said Jogendra Prasad Sinha, Sub-Postmaster. In the order dated 25-1-91 it is not disclosed that the concerned workman would be working on what basis whether permanent, temporary or casual basis. Simply it is mentioned therein that he would be managing the work of Gopalji and from this it can be inferred that the engagement was purely on temporary or casual basis or the same was just a stop-gap arrangement. Duration or the period of engagement is also not mentioned therein. However, the concerned workman has been described as a coolie. It is not denied that the Superintendent of Post Offices is the appointing authority of such category of post and there are certain norms and procedure prescribed for appointment on such post, such as, sponsoring of the candidate by the Employment Exchange etc. In case of his engagement though the concerned workman in his evidence has said that such formality was not required to be observed as he was appointed simply on temporary basis. The management's witness (MW-2) has accepted such position and has stated that casual employees are being engaged on need basis by the Head of the Office and during the relevant period Shri Jogendra Prasad Sinha was the Head of the concerned Post Office. Besides, as mentioned above, the order dated 25-1-1991 refers to an order of S.D.I. also in the matter of engagement. In such circumstances, therefore, there does not appear to be any difficulty in accepting that it was not a regular appointment rather the same was just an engagement on temporary or casual basis.

Now, it is to be considered as to for how long the concerned workman went on working as mail carrier (runner).

8A. The management has produced one Attendance Register (Ext. M-3). In the said register the attendance of the concerned workman has been marked from 28-1-91 to 23-2-91 and then on 2nd and 4th March, 1991. After 4-3-91 neither the name of the concerned workman is there mentioned in the said register nor his attendance is marked.

According to the management pursuant to irregular and illegal engagement the concerned workman worked

only for 30 days and not more than that and so in that view also he has no claim for making him permanent.

The workman, on the other hand, so far his evidence is concerned, has come out with conflicting stand in regard to his attendance marked in the register. During his examination-in-chief he has said that his attendance used to be marked initially about one and half months and thereafter the same was stopped without any rhyme or reason. Thereafter during his cross-examination at one place he has said that earlier he used to put his signature in the Attendance Register but later when he was informed that a temporary employee is not required to put his signature in the said register he stopped doing so. However, according to the workman, he went on working till 3-12-91. For proving that he worked till 3-12-91 the concerned workman has heavily relied upon a certificate granted by one Parsuram Singh, the Sub-Postmaster who joined on 4-3-91 immediately after the transfer of the concerned workman's father. The said certificate was produced in course of the proceeding but the same was not chosen to be marked an exhibit by the concerned workman. According to the concerned workman, the said Parsuram Singh has certified that when he joined Anil Kumar Sinha, the concerned workman, was found working and it is said that during the posting period of said Parsuram Singh the concerned workman had completed not only 240 days but in all 312 days of working within 12 calendar months. Having gone through the contents of the said certificate which forms part of the record firstly it appears that the said certificate was granted sometime in the year 1998 when the said parsuram Singh had already retired and at a stage when the industrial dispute was pending before the A.L.C. (C) having been raised in the year 1997. Secondly, it is mentioned therein that on 4-3-91 when said Parsuram Singh joined he found that the concerned workman working in the said Post Office. It is nowhere mentioned that after 4-3-91 continuously till 3-12-91 the concerned workman went on working as Runner in the said Post Office and said Parsuram Singh had been seeing him working as such during that period. Obviously, the concerned workman has tried to gather something out of the said certificate which, in fact, are not provided or mentioned there.

9. It has been submitted on behalf of the concerned workman that the concerned workman used to be paid his wages through payment voucher and as the same was a material piece of document the concerned workman wanted the same to be produced from the side of the management, but the same was not produced and so the adverse inference can only be drawn against the management. It has also been submitted that as the onus was upon the management to prove that the concerned workman had not worked for more than 240 days in a calendar year by producing all the relevant materials, which it failed to discharge, there is no alternative but to

accept the workman's stand for granting him the relief as prayed for. I do not find much force in the aforesaid submission made on behalf of the concerned workman. If some documents are not produced then merely by that no adverse inference can be drawn against the management particularly when apart from oral evidence the management is taking the help of Attendance Register for submitting that the concerned workman worked only till 4-3-91. So far as the onus for proving the days of working of a workman is concerned by way of latest decision of Hon'ble Supreme Court reported in 2002 (1) LLJ page 1053 (SC)—Range Forest Office Vs. S.T. Hadimani, it stands now well settled that onus lies upon the claimant and he has to lead evidence to show that he had worked for 240 days in preceding year by producing receipt of salary or wages or letter of appointment etc. In the instant case apart from filing the aforesaid certificate granted by a retired Sub-Postmaster nothing else has been produced for justifying the claim that not only till 4-3-91 rather the concerned workman went on working continuously till 3-12-91. Though upon this aspect also same submission has been made, but in my view it is not very material to find out as to who, in fact, worked after dis-continuation of the service of the concerned workman. For the present it is clear that as per Attendance Register the concerned workman worked only till 4-3-91 i.e. for a total period of 30 days and further that in the concerned Post Office there were other workmen also discharging the similar nature of job.

Therefore, in view of all the aforesaid consideration even if it is taken for a moment that there was nothing irregular as far as the engagement of the concerned workman was concerned, atleast this much is clear that it stands not established that the concerned workman worked for a period of 240 days in one calendar year, irrespective of the nature of work whether permanent, perennial or temporary.

10. Besides the above certain curious and glaring circumstances that emerge out of the aspect relating to the engagement of the concerned workman can also be not ignored or over-looked as the same bear much significance so far as the genuineness of the claim of the concerned workman is concerned.

Upon the instruction of his superior for managing the work of officiating runner, the father of the concerned workman preferred to engage or select his own son and in the order book he mentioned his name also which as per the management is not the practice and nowhere in the order book the name of any other coolie working in casual basis is mentioned. Shri Jogendra Prasad Sinha, the workman's father in his enthusiasm to establish and make out presentable claim for regular appointment of his son, wrote down the name of his son in the Attendance Register in his own handwriting and started marking his attendance. In this context it is worth-mentioning that all

other entries in the Attendance Register are in the writing of some other person and it is only the name of the concerned workman which is written therein in the handwriting of Jogendera Pd. Sinha, workman's father. It is further note worthy that w.e.f. 4-3-91 as he was relieved from his duty at the concerned Post Office, Sri Sinha could not lay his hand on the Attendance Register and most probably that is why there is no attendance marked after 4-3-91 because in the meantime on that date itself Parsuram Singh, a new Sub-Postmaster assumed the charge. As it has already been noticed above, the said Parsuram Singh has not certified to the effect that even after 4-3-91 also or till 3-12-91 the concerned workman continued to perform his duties as before. The submission made on behalf of the management, in view of aforesaid circumstances or the conduct of the outgoing Sub-Postmaster, cannot be brushed aside that the father was so much concerned and anxious to boost up the service prospect of his son that he did several things quite contrary to established rules and norms and the procedures prescribed. It is not that a father cannot engage a son in the same establishment where he works, but at the same time it is necessary that the said engagement should be just and fair and in conformity with rules, norms and procedure prescribed. Here in the instant case the father of the concerned workman had proceeded in such curious and strange manner which quite apparently gives rise to suspicion so far as authenticity or genuineness of the claim of the concerned workman is concerned.

However, for the sake of argument even if it is accepted that there was nothing wrong with initial engagement of the concerned workman on the strength of which he worked continuously upto 4-3-91 as per Attendance Register then it is reiterated that there is nothing on the basis of which it can be reasonably inferred that the concerned workman completed the working of more than 240 days in 12 calendar months so as to confer upon him the right of permanency of his service.

Further, in view of the circumstances and discussions made above, it is needless to observe that the retrenchment of the concerned workman cannot be inferred and consequently no question arises of compliance of Sec. 25-F of the I.D. Act, 1947 or for that matter any other provision relating to the retrenchment of a workman contained in the Act. Precisely it is not possible to hold that the concerned workman is entitled for the relief as prayed for.

11. From the side of the management it has been strenuously urged that the claim or dispute raised by the concerned workman is over-stale as according to his case his service was terminated in the year 1991 itself but he preferred to raise industrial dispute before the A.L.C (C) only in the year 1997 and there is no explanation forthcoming for such a delay. Although this submission on the face of it also appears to be attractive but in view

of the findings already arrived at above I do not consider it necessary to dwell upon the aforesaid aspect as well for coming to a final conclusion.

12. The award, is thus, rendered as hereunder :

The action of the management of Postal Department in terminating the services of the concerned workman, Anil Kumar Sinha is legal and justified and as such the concerned workman is not entitled to any relief whatsoever.

However, in the circumstance of the case there would be no order as to cost.

S.H. KAZMI, Presiding Officer

नई दिल्ली, 24 मई, 2002

**का.आ. 2020.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध में निर्योक्तों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट (संदर्भ संख्या 189/89) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं. एल. 42011/47/88-डी. 2(बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 24th May, 2002

**S.O. 2020.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 189/89) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-42011/47/88-D.2 (B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Casc No. ID 189/89

General Secretary, Bhakra Nangal . Union  
Mazdoor Sangh, Nangal Township  
District Ropar

Versus

Chief Engineer, : Management  
Bhakra Dam, Nangal  
Township, District Ropar

**APPEARANCES:**

For the Workman : Union : Shri R.K. Singh  
For the Management : Shri R.C. Atri

## AWARD

(Passed on 26th of December, 2001)

The Central Govt. vide Notification No. L-42011/47/88-D-2(B) dated 3rd of November, 1989 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of BBMB in downgrading the seniority of the workmen, mentioned below, list in the seniority list of 1986 is justified ? If not, to what relief they entitled to and from what date ?”

1. Brahm Dev son of Dasu Ram
2. Gurdhian Singh son of Ghardu Ram
3. Baldev Singh son of Mela Ram
4. Ram Nath son of Babu Ram
5. Bakhtawar Singh son of Dhian Singh.

2. The applicants filed statement of claim stating that they joined the services of the management w.c.f. 18-1-1964, 7-3-1964, 2-4-64, 17-6-64 and 22-6-1964 respectively as junior fitter in the trade of Sheet Metal Shop and they all were promoted as fitter (sheet metal) w.e.f. 1-2-1971 and the seniority list was circulated by the management from time to time and on 28-11-1986 all the petitioners were seniors to S/Shri Harbans Lal, Chhajju Ram, Maksudan Lal, Atma Prakash and Sita Ram as they joined their services w.e.f. 15-7-1971 and thus they were juniors to the petitioners as circulated in the letter dated 20-1-1975. When this fact came to the notice of the workmen petitioners they represented to the management. But the management did not agree to the contentions of the petitioners. The management relied on the settlement dated 29-1-1985 entered into with the Recognised Union i.e. BBMB Karamchari Sangh. That as per settlement dated 29-1-1985 the management had only to take into consideration the services rendered on daily wages by Shri Sangli Ram on their promotion but no promotion was accorded because they were all juniors to the workmen. By showing these persons seniors to the workmen, applicants, the management had committed favouritism and nepotism. It is also stated that this settlement was not binding on the applicants as the person who signs a settlement with the employer should have the necessary authority. The constitution for BBMB Karamchari Sangh does not authorise its office bearer to enter into a settlement with a employer on behalf of the Union. It is prayed that applicants be declared as seniors as here-to force by declaring the settlement as nonest.

3. In written statement the stand of the management is that the petitioners joined the service as fitter on 1-2-1971 whereas the other five persons S/Shri Harbans Lal, Chhajju Ram Maksudan Lal, Atam Prakash and Sita Ram were working as fitters in Nangal Workshop Division even prior to the date of joining of the petitioners. Due to

reduction in work load, these persons named above, alongwith others were brought under retrenchment during the year 1967/1968. In the year 1969 these persons were reappointed on daily wages as fitter in the Nangal Workshop Division and brought over to the cadre of work charged staff w.e.f. 15-7-1971. and in the seniority list of 1975 they were shown below to the applicants as fresh entrants from 15-7-1971. It is also stated applicants were working in lower trade as t.mate/Jr. Fitter prior to 1-2-1971 but the management promoted them inadvertently as fitter but the BBMB Karamchari Sangh which is registered body and recognised Union raised the demand notice over the non-counting of service rendered by these persons as fitter on daily wages and on reconsideration of their past service they have been given the status of fitters work charged in July, 1971 and their demand was found to be genuine and revised seniority list was circulated in 11/86. The management has prayed for the rejection of the reference.

4. Replication filed by the workmen reiterating the claim made in the claim statement.

5. No evidence was let on behalf of the workman. The management in evidence has filed the affidavit of Ajmer Singh Natt as Ex. M.1. and settlement dated 29-1-1985 Ex. M2.

6. I have heard both the parties and gone through the record.

7. The learned representative of the workmen has argued that in the seniority list circulated in the year 1975 the applicants were senior to the person S/Shri Harbans Lal, Chhaju Ram, Muksudan Lal, Atam Parkash and Sita Ram and without any notice to the effected persons i.e. the applicants they were downgraded in the seniority list for the year 1986. He has argued that without any notice, the management can not alter the position of the applicants. The effected applicants should have also been heard before downgrading them and placing them below the above noted persons. The plea of the representative of the management is that since the above noted persons were working on daily wage basis earlier with the management and due to reduction of work load they were brought under retrenchment during the year 1967/1968 and they were re-appointed on daily wages as fitter in the cadre of workcharged staff w.e.f. 15-7-1971. Due to their working in the project during the year 1967-68 and later on daily wages during the year 1969 they were to be given the seniority of earlier period. In the seniority list of 1975 they were shown junior on the basis of their taking into workcharged staff w.e.f. 15-7-1971. When the Union has taken up their case, the management had entered into the settlement with the majority union which is recognised union also for counting their daily wages services as fitter. The settlement is Ex. M2 and on the basis of that settlement the seniority list was revised and these five persons were shown as seniors to the applicants. More

over the representative of the management has also argued that the workman have not led any evidence to show that they were not the members of the Union which has entered into settlement with the management at the relevant time. It was to be proved by the workmen through evidence. He has placed reliance on the case law of Allahabad High Court in the case of V.K. Raj Industries Vs. Labour Court and other reported in F.J.R. Vol. 59 page 304 in which the Hon'ble Allahabad High Court has held that the persons before the Industrial Court setting out the grounds on which the order is challenged he must also produce evidence to prove his case and if the workmen fails to produce evidence the dispute referred for adjudication can not be answered in his favour, and he would not be entitled to any relief. I find force in the contention of the learned representative of the management. In the case in hand, no evidence was produced by the workmen. No workman appeared and filed his affidavit to prove his case. The workmen have not pleaded in their claim statement also that they were not the members of the Union which have entered into settlement Ex. M2 with the management and by virtue of that settlement, the applicant were downgraded in the seniority. I find no force in the contention of the rep. of the workmen that no notice was given to the applicants at the time of downgrading their seniority. In my considered opinion, no notice was required to be given to the applicants because the above five persons were given the seniority on the basis of their daily wages service rendered in the year 1967-1968 and in the year 1969 also. The management has entered into the settlement Ex. M2 with the Union which is registered and recognised union. Consequently, I am of the view that the action of the management of the B.B.M.B. in downgrading the seniority of the workmen mentioned in the reference in the seniority list of 1986 is justified and no interference is called for and the workmen-applicants are not entitled to any relief. Reference is answered accordingly. Central Govt. be informed.

Chandigarh,

26-12-2001

S. M. GOEL, Presiding Officer

नई दिल्ली, 24 मई, 2002

का.आ. 2021.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट (संदर्भ संख्या 8/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं. एल. 42012/95/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी



New Delhi, the 24 May, 2002

**S.O. 2021.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/93) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-42012/95/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer  
ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. ID 8 of 1993

Sh. Chunka Ram ..... Petitioner  
S/o Sh. Ram Dittu,  
Village—Jalenra Jungal,  
P.O. Randrur Distt. Bilaspur  
H.P. 174001.

Vs.

1. Chief Engineer, ..... Respondent  
Beas Construction Board,  
S.C.O. 62-63, Sector 17,  
Chandigarh-160017.
2. Executive Engineer,  
Beas Construction Board  
(P.W.) Prem Nagar, Bhiwani  
(Haryana)

REPRESENTATIVES :

For the Workman : Sh. Dhani Ram  
For the Management : Sh. K.C. Goel

AWARD

(Passed on 21st January, 2002)

The Central Govt. Ministry of Labour vide Notification No. L-42012/95/92-I.R. (D.U.) dated 23rd December, 1992 has referred the following dispute to this Tribunal for adjudication.—

“Whether the action of the management of Beas Construction Board (Power Wing) in terminating the services of Shri Chunka Ram S/o Shri Ram Dittu is justified? If not, what relief the workman concerned is entitled to?”

2. The applicant in claim statement has stated that he was appointed on 3-10-1986 as T. Mate at Slapper. The management sent the applicant on job order vide letter dated 6-5-1991 to Ranjit Sagar Dam. On 28-5-1991 the management arranged their truck and alongwith other workman he was sent to Shahpur Kandi Dam. In the way

at Nangal the applicant fell ill and taken the treatment from Govt. Ayurvedic Dispensary, Nangal from 29-5-1991 to 4-6-1991 and declared fit for duty w.e.f. 4-6-1991. The applicant went to Talwara on 4-6-1991 but the SDO refused to take him on duty. The applicant sent a regd. letter to SDO, Slapper but no reply to his letter was received. Other Co-workers of the applicant who have not reported for duty were taken on duty later on. It is pleaded that no charge sheet or enquiry was conducted against him and his services were terminated w.e.f. 29-5-1991 when he was on medical treatment. The applicant has prayed that he be reinstated w.e.f. 4-6-1991 with full backwages and other benefits.

3. The respondents in written statement has taken preliminary objection that on the completion of the Beas Project, the Beas Construction ceased to exist and workcharged employees, casual and contract workers and those engaged on contingent basis, have no right to continue in employment with the Beas Construction Board after the completion of the Beas Project. The Central Administrative Tribunal gave directions to the management to regularise the services of the applicant in O.A. No. 468/1987 to regularise the services of applicants or in the alternative to accommodate them on equivalent posts and in the event of their retrenchment the applicants shall be entitled to the retrenchment compensation as per rules. In pursuance of the above orders, the management has tried to adjust the surplus staff on job order basis in other organisation on humanitarian grounds and as per requirement of the Punjab Government they were sent on job order at Ranjit Sagar Dam and the applicant himself choose not to be deployed at Ranjit Sagar Dam and he was retrenched as per Section 25 FFF(2) of the I.D. Act and he is not entitled to be reinstated. On merits it is pleaded that the applicant was appointed as T. Mate on 13-11-1986. The applicant was directed to report for duty at Ranjit Sagar Dam Shahpur Kandi as per notice dated 6-5-1991 and the applicant alongwith his co-workers carried from Slapper in BCB trucks on 28-5-1991 and for night halt they were accommodated at Nangal but in the morning of 29-5-1991 the applicant gave a slip without informing the J.E. who was accompanying them and did not report for duty to the place of his temporary posting at Ranjit Sagar Dam at Shahpur Kandi. It is specifically pleaded that the applicant has never reported for duty to the SDO incharge and he intentionally left the truck alongwith some of his co-workers. He never informed the authorities about his illness and the story is fabricated and is not correct and he has been rightly retrenched U/S 25 FFF of the I.D. Act 1947 and the applicant is not entitled to any relief.

4. The applicant filed the replication reiterating the claim made in the claim petition.

5. In evidence the applicant filed his affidavit Ex. W1 and also documents Ex. W2 to W6. In cross-

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examination the applicant admitted that he accompanied the other workers up to Nangal. He also did not know the name of the doctor from whom he took the medicines. He also admitted that he had not informed any body about his illness. He also stated that he can not say when medical certificate was sent through regd. post and where it was sent. In rebuttal the management filed three affidavits of Rajesh Monga as Ex. M1, Shingara Singh Ex. M2 and affidavit of Rai Singh Ex. M6 and documents Ex. M7 to Ex. M19. In support of the case of the management.

6. I have heard the representatives of both the parties and gone through the record of the case. The case of the workman is that he fall ill on way to Ranjit Sagar Dam and after recovery he reported for duty but he was refused duty by the management, whereas the case of the management is that at Nangal the applicant gave a slip to the J. E. and without informing him left alongwith some other co-workers without information and he was not ill and never reported at Ranjit Sagar Dam. Consequently he was retrenched following the provisions of Section 25FFF of the I.D. Act 1947. It is admitted by the applicant in his cross-examination that he left the venue without informing the accompanying Junior Engineer and he also failed to name the doctor from whom he obtained the medicines. He also failed to tell this Tribunal where he sent his representation and medical certificate whether through registered post or otherwise. The work of Beas Project had completed and on the directions of the Hon'ble C.A.T. the applicant alongwith other co-worker were deputed on work order at Ranjit Sagar Dam on the demand of the Punjab Government. On way at Nangal, the applicant gave a slip to the J.E. and without any information he left the place. It shows his intention not to work at Ranjit Sagar Dam on work order basis. He failed to show that he ever visited the SDO who refused to take him on duty at Ranjit Sagar Dam. The conduct of the applicant clearly shows that he was not willing to work at Ranjit Sagar Dam. It was made clear to the applicant that in case the applicant was not willing to work, his services would be retrenched as there was no work at Beas Project and the applicant was retrenched U/S 25 FFF of the I.D. Act, 1947. The medical certificate was submitted by the applicant in this Tribunal as Ex. W2 and fitness certificate is Ex. 3. These two documents were originally submitted in this Court which shows that the applicant never submitted these certificates to the management which are from Government Ayurvedic Dispensary Nangal Distt. Ropar. It is admitted by the workman that he left at Nangal but he had submitted these certificate not to the management but these have been submitted in this Tribunal and it appears that the applicant was not willing to work at Ranjit Sagar Dam and he was rightly retrenched by the management for which the retrenchment compensation was also sent to the applicant at the last known address which was received back with the management. It is therefore, held that the workman

was not willing to work at Ranjit Sagar Dam, and was rightly retrenched.

7. In view of the discussion made in the earlier paras, the action of the management of Beas Construction Board (Power Wing) in terminating the services of Shri Chunka Ram son of Ram Dittu is fully justified. The workman is not entitled to any relief. The reference is answered accordingly. Central Government be informed.

Chandigarh,

21-1-2002

S. M. GOEL, Presiding Officer

नई दिल्ली, 24 मई, 2002

का.आ. 2022.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी के प्रबंधन के संबंध निर्यातकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण खंडीगढ़ के पंचाट (संदर्भ संख्या 30/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं: एल.-42012/96/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 24th May, 2002

S.O. 2022.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 30/93) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-42012/96/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. ID 30 of 1993

Sh. Nikka Ram ..... Applicant  
S/o Sh. Gopala Ram,  
Village--Basel,  
P O. Deoli, Distt. Bilaspur

Versus

1. General Manager, ..... Respondent  
Beas Construction Board,  
BBMB Sector 19,  
Chandigarh.
2. Chief Engineer.

Beas Construction Board,  
S.C.O. No. 62-63, Sector 17,  
Chandigarh

3. Executive Engineer,  
Beas Construction Board  
(P.W.) Prem Nagar, Bhiwani,

#### APPEARANCES :

For the Workman : Sh. Dhani Ram

For the Management : Sh. K.C. Goel

#### AWARD

(Passed on 21st January, 2002)

The Central Govt. vide No. L-42012/96/92-I.R. (D.U.) dated 24th February, 1993 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Beas Construction Board (Power Wing) in terminating the services of Shri Nikka Ram S/o Shri Gopala Ram is justified? If not, what relief he is entitled to?”

2. The applicant in claim statement has stated that he was appointed on 6-12-1986 as T. Mate at Slapper. The management sent the applicant on job order vide letter dated 6-5-1991 to Ranjit Sagar Dam. On 28-5-1991 the management arranged their truck and alongwith other workman he was sent to Shahpur Kandi Dam. In the way of Nangal the applicant fell ill and taken the treatment from Govt. Ayurvedic Dispensary Nangal from 29-5-1991 to 7-6-1991 and declared fit for duty w.e.f. 8-6-1991. The applicant went to Talawara on 8-6-1991 but the SDO refused to take him on duty. The applicant sent a regd. letter to SDO Slapper but no reply to his letter was received. Other Co-workers of the applicant who have not reported for duty were taken on duty lateron. It is pleaded that no charge sheet or enquiry was conducted against him and his services were terminated w.e.f. 29-5-1991 when he was on medical treatment. The applicant has prayed that he be reinstated w.e.f. 8-6-1991 with full backwages and other benefits.

3. The respondents in written statement has taken preliminary objection that on the completion of the Beas Project, the Beas Construction ceased to exist and workcharged employees, casual and contract workers and those engaged on contingent basis, have no right to continue in employment with the Beas Construction Board after the completion of the Beas Project. The Central Administrative Tribunal gave directions to the management to regularise the services of the applicant in O.A. No. 468/1987 to regularise the services of applicants or in the alternative to accommodate them on equivalent posts and in the event of their retrenchment the applicants shall be entitled to the retrenchment compensation as per rules. In pursuance of the above orders, the management has tried to adjust the surplus staff on job order basis in

other organisation on humanitarian grounds and as per requirement of the Punjab Government they were sent on job order at Ranjit Sagar Dam and the applicant himself choose not to be deployed at Ranjit Sagar Dam and he was retrenched as per Section 25 FFF(2) of the I.D. Act and he is not entitled to be reinstated. On merits it is pleaded that the applicant was appointed as T. Mate on 4-12-1986. The applicant was directed to report for duty at Ranjit Sagar Dam, Shahpur Kandi as per notice dated 6-5-1991 and the applicant alongwith his co-workers carried from Slapper in BCB trucks on 28-5-1991 and for night halt they were accommodated at Nangal but in the morning of 29-5-1991 the applicant gave a slip without informing the J.E. who was accompanying them and did not report for duty to the place of his temporary posting at Ranjit Sagar Dam at Shahpur Kandi. It is specifically pleaded that the applicant has never reported for duty to the SDO incharge and he intentionally left the truck alongwith some of his co-workers. He never informed the authorities about his illness and the representation dated 19-6-1991 and the story is fabricated and is not correct and he has been rightly retrenched U/S 25 FFF of the I.D. Act, 1947 and the applicant is not entitled to any relief.

4. The applicant filed the replication reiterating the claim made in the claim petition.

5. In evidence the applicant filed his affidavit Ex. W1 and also documents Ex. W2 to W6. In cross-examination the applicant admitted that the accompanied the other workers up to Nangal. He also did not know the name of the doctor from whom he took the medicines. He also admitted that he had been informed that in case he did not move to Ranjit Sagar Dam on job order his services would be retrenched. It is also admitted that he had not informed any body about his illness. He also stated that he can not say when medical certificate was sent through regd. post and where it was sent. In rebuttal the management filed three affidavits of Rajesh Monga as Ex. M1, Shingara Singh Ex. M2 and affidavit of Rai Singh Ex. M6 and documents Ex. M7 to Ex. M19. In support of the case of the management.

6. I have heard the representatives of both the parties and gone through the record of the case. The case of the workman is that he fall ill on way to Ranjit Sagar Dam and after recovery he reported for duty but he was refused duty by the management, whereas the case of the management is that at Nangal the applicant gave a slip to the JE and without informing him left alongwith some other co-workers without in formation and he was not ill and never reported at Ranjit Sagar Dam. Consequently he was retrenched following the provisions of Section 25FFF of the I.D. Act 1947. It is admitted by the applicant in his cross-examination that he left the venue without informing the accompanying Junior Engineer and he also failed to name the doctor from whom he obtained the

medicines. He also failed to tell this Tribunal where he sent his representation and medical certificate whether through registered post or otherwise. The work of Beas Project had completed and on the directions of the Hon'ble C.A.T. the applicant alongwith other co-worker were deputed on work order at Ranjit Sagar Dam on the demand of the Punjab Government. On way at Nangal, the applicant gave a slip to the J.E. and without any information he left the place. It shows his intention not to work at Ranjit Sagar Dam on work order basis. He failed to show that he ever visited the SDO who refused to take him on duty at Ranjit Sagar Dam. The conduct of the applicant clearly shows that he was not willing to work at Ranjit Sagar Dam. It was made clear to the applicant that in case the applicant was not willing to work, his services would be retrenched as there was no work at Beas Project and the applicant was retrenched U/S 25FFF of the I.D. Act, 1947. The medical certificate was submitted by the applicant in this Tribunal as Ex. W3 and fitness certificate is Ex. 3. These two documents were originally submitted in this Court which shows that the applicant never submitted these certificates to the management which are from S.M.C. Kulgura in Distt. Ropar. It is admitted by the workman that he left at Nangal but he had submitted these certificate not to the management but these have been submitted in this Tribunal in original and it appears that the applicant was not willing to work at Ranjit Sagar Dam and he was rightly retrenched by the management for which the retrenchment compensation was also sent to the applicant at the last known address which was received back with the management. It is therefore, held that the workman was not willing to work at Ranjit Sagar Dam, and was rightly retrenched.

7. In view of the discussion made in the earlier paras. the action of the management of Beas Construction Board (Power Wing) in terminating the services of Shri Nikka Ram son of Gopala Ram is fully justified. The workman is not entitled to any relief. The reference is answered accordingly. Central Government be informed. Chandigarh.

21-1-2002

S. M. GOEL, Presiding Officer

नई दिल्ली, 24 मई, 2002

का.आ. 2023.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट (संदर्भ संख्या 32/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं. एल-42012/97/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 24th May, 2002

S.O. 2023.—In pursuance of Section 17 of the Industrial Dispute, Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 32/93) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-42012/97/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

BEFORE SHRI S.M. GOEL, PRESIDING OFFICER,  
CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, CHANDIGARH

Case No. ID 32 of 1993

Sh. Chandu Ram .....Petitioner  
S/o Sh. Dalala,  
Village—Jalehra Sugra,  
P.O. Banola, Distt. Bilaspur  
M.P. 174001.

Versus

1. General Manager, ..... Respondent  
Beas Construction Board,  
B.B.M.B. Sector 19-B,  
Madhya Marg, Chandigarh-160017.
2. Executive Engineer,  
Beas Construction Board  
(P.W.) Prem Nagar, Bhiwani,

REPRESENTATIVES :

For the Workman : Sh. Dhani Ram

For the Management : Sh. K.C. Goel

AWARD

(Passed on 21st January, 2002)

The Central Govt. Ministry of Labour vide Notification No. L-42012/97/92-I.R. (D.U.) dated 24th February, 1993 has referred the following dispute to this Tribunal for adjudication :—

“Whether the action of the management of Beas Construction Board (Power Wing) in terminating the services of Shri Chandu Ram S/o Shri Dalela is justified? If not, what relief the workman concerned is entitled to?”

2. The applicant in claim statement has stated that he was appointed on 3-11-1986 as T. Mate at Slapper. The management sent the applicant on job order vide letter dated 6-5-1991 to Ranjit Sagar Dam. On 28-5-1991 the management arranged their truck and alongwith other workman he was sent to Shahpur Kandi Dam. In the way of Nangal the applicant fell ill and taken the treatment

from Govt. Ayurvedic Dispensary Nangal from 29-5-1991 to 7-6-1991 and declared fit for duty w.e.f. 4-6-1991. The applicant went to Talawara on 5-6-1991 but the SDO refused to take him on duty. The applicant sent a regd. letter to SDO Slapper but no reply to his letter was received. Other Co-workers of the applicant who have not reported for duty were taken on duty later on. It is pleaded that no charge sheet or enquiry was conducted against him and his services were terminated w.e.f. 29-5-1991 when he was on medical treatment. The applicant has prayed that he be reinstated w.e.f. 4-6-1991 with full backwages and other benefits.

3. The respondents in written statement has taken preliminary objection that on the completion of the Beas Project, the Beas Construction ceased to exist and workcharged employees, casual and contract workers and those engaged on contingent basis, have no right to continue in employment with the Beas Construction Board after the completion of the Beas Project. The Central Administrative Tribunal gave directions to the management to regularise the services of the applicant in O.A. No. 468/1987 to regularise the services of applicants or in the alternative to accommodate them on equivalent posts and in the event of their retrenchment the applicants shall be entitled to the retrenchment compensation as per rules. In pursuance of the above orders, the management has tried to adjust the surplus staff on job order basis in other organisation on humanitarian grounds and as per requirement of the Punjab Government they were sent on job order at Ranjit Sagar Dam and the applicant himself choose not to be deployed at Ranjit Sagar Dam and he was retrenched as per Section 25 FFF(2) of the I.D. Act and he is not entitled to be reinstated. On merits it is pleaded that the applicant was appointed as T. Mate on 3-11-1986. The applicant was directed to report for duty at Ranjit Sagar Dam Shahpur Kandi as per notice dated 6-5-1991 and the applicant alongwith his co-workers carried from Slapper in BCB trucks on 28-5-1991 and for night halt they were accommodated at Nangal but in the morning of 29-5-1991 the applicant gave a slip without informing the J.E. who was accompanying them and did not report for duty to the place of his temporary posting at Ranjit Sagar Dam at Shahpur Kandi. It is specifically pleaded that the applicant has never reported for duty to the SDO incharge and he intentionally left the truck alongwith some of his co-workers. He never informed the authorities about his illness and the representation dated 20-6-1991 and the story is fabricated and is not correct and he has been rightly retrenched U/S 25 FFF of the I.D. Act 1947 and the applicant is not entitled to any relief.

4. The applicant filed the replication reiterating the claim made in the claim petition.

5. In evidence the applicant filed his affidavit Ex. W1 and also documents Ex. W2 to W6. In cross-

examination the applicant admitted that original Medical Certificate is in his possession. It is also admitted that he accompanied the other workers up to Nangal. He also did not know the name of the doctor from whom he took the medicines. He also admitted that he had not informed any body about his illness. In rebuttal the management filed three affidavits of Rajesh Monga as Ex. M1, Shingara Singh Ex. M2 and affidavit of Rai Singh as Ex. M6 and documents Ex. M7 to Ex. M19. In support of the case of the management.

6. I have heard the representatives of both the parties and gone through the record of the case. The case of the workman is that he fall ill on way to Ranjit Sagar Dam and after recovery he reported for duty but he was refused duty by the management, whereas the case of the management is that at Nangal the applicant gave a slip to the J.E. and without informing him left alongwith some other co-workers without information and he was not ill and never reported at Ranjit Sagar Dam. Consequently he was retrenched following the provisions of Section 25FFF of the I.D. Act 1947. It is admitted by the applicant in his cross-examination that he left the venue without informing the accompanying Junior Engineer and he also failed to name the doctor from whom he obtained the medicines. He also failed to tell this Tribunal where he sent his representation and medical certificate whether through registered post or otherwise. The work of Beas Project had completed and on the directions of the Hon'ble C.A.T. the applicant alongwith other co-worker were deputed on work order at Ranjit Sagar Dam on the demand of the Punjab Government. On way at Nangal, the applicant gave a slip to the J.E. and without any information he left the place. It shows his intention not to work at Ranjit Sagar Dam on work order basis. He failed to show that he ever visited the SDO who refused to take him on duty at Ranjit Sagar Dam. The conduct of the applicant clearly shows that he was not willing to work at Ranjit Sagar Dam. It was made clear to the applicant that in case the applicant was not willing to work, his services would be retrenched as there was no work at Beas Project and the applicant was retrenched U/S 25 FFF of the I.D. Act, 1947. The medical certificate was submitted by the applicant in the Tribunal as Ex. W2. These two documents were originally in the possession of the applicant which shows that the applicant never submitted these certificates to the management which are from Government Ayurvedic Dispensary Nangal Distt. Ropar. It is admitted by the workman that he left at Nangal but he had submitted these certificate not to the management but copy of these have been submitted in this Tribunal in and it appears that the applicant was not willing to work at Ranjit Sagar Dam and he was rightly retrenched by the management for which the retrenchment compensation was also sent to the applicant at the last known address which was received back with the management. It is, therefore, held that the workman was

not willing to work at Ranjit Sagar Dam, and was rightly retrenched.

7. In view of the discussions made in the earlier paras, the action of the management of Beas Construction Board (Power Wing) in terminating the services of Shri Chandu Ram son of Sh. Dalela is fully justified. The workman is not entitled to any relief. The reference is answered accordingly. Central Government be informed.

Chandigarh,

21-1-2002

S. M. GOEL, Presiding Officer

नई दिल्ली, 24 मई, 2002

**का. आ. 2024.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डाक विभाग के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, बेंगलूर के पंचाट (संदर्भ संख्या 37/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं. एल. 40012/137/2000-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 24th May, 2002

**S.O. 2024.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 37/2000) of the Central Government Industrial Tribunal/Labour Court Bangalore now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Postal Deptt. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-40012/137/2000-IR (DU)]

KULDIP RAI VERMA, Desk Officer

#### ANNEXURE

CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, "SHRAM SADAN", III MAIN, III CROSS, II PHASE, TUMKUR ROAD, YESHWANTHPUR, BANGALORE

Dated : 7th May 2002

PRESENT

HON'BLE SHRI V. N. KULKARNI, B.COM., LLB,  
PRESIDING OFFICER CGIT-CUM-LABOUR  
COURT, BANGALORE

R. No. 37/2000

Sh. C. Mahantesh : I Party  
S/o Sh. Basanna Chukki,

C/o Shri B. Basavaraj, Advocate,  
Basavanilaya,  
Oppo. Check Post,  
Basaveshwara Colony,  
Raichur

1. Senior Superintendent : II Party  
of Post Offices,  
Raichur Division,  
Raichur.
2. The Sub Divisional Inspector  
(Postal),  
Manvi Post,  
Raichur

#### AWARD

The Central Government by exercising the powers conferred by clause (d) of Sub-section 2A of the Section 10 of the Industrial Disputes Act, 1947 has referred this dispute vide order No. L-40012/137/2000/IR(DU) dated 30th June, 2000 for adjudication on the following schedule :—

"Whether the action of the management of Senior Superintendent of Post Offices, Raichur Division, Raichur in terminating the services of Shri C. Mahantesh w.e.f. 30th April, 1999 is justified? If not, what relief the workman is entitled to?"

2. The first party was working with the Second Party. He was terminated from the Services and therefore, Industrial Dispute is raised.

3. Parties appeared and filed Claim Statement and Counter respectively. The case of the first party in brief is as follows :

4. The first party was appointed as EDMC of Byagwat Village of Manvi Taluka on 18-3-1998 and he was discharging duties honestly to the best of the satisfaction of the department. First party fulfilled all the required qualification for the said appointment. All the records were submitted to the Management. He has completed more than one year of service i.e. 18th March, 1998 and consequently the first party has worked more than 240 days in the said post. There is no charge sheet against the first party. He has not committed any misconduct. There is no enquiry against the first party. Mandatory provisions of Section 25(F) of the Industrial Dispute, Act, 1947 are not complied with and therefore, the action of the management is not correct. First party workman for these reasons has prayed to pass award in his favour.

5. Against this the case of the Second Party in brief is as follows :

6. The case of the Second Party is that the post of EDMC Byagwat BO fell vacant due to deputation of the regular incumbent to Army Postal Service and regular

appointment to the post could not be made immediately, first party was required to look after the work till regular appointment was made after following the prescribed notification process. The vacancy was notified on 1st March, 1999 and one Shri Amaregowda S/o Pampanagowda who had secured highest marks in SSLC was selected on merit and appointed to the post on 1st May, 1999. The first party secured only 295 out of 625 marks in SSLC examination and he could not be selected.

7. It is further said that the Supreme Court of India in its judgment dated 2nd February, 1996 in Civil Appeal No. 3385-86 of 1996 has held that the Department of Posts is not an Industry.

8. It is the further case of the management that the larger bench of the Central Administrative Tribunal, Bangalore consisting of 5 members has categorically stated that no weightage can be given for the past experience of a candidate for appointment as an ED Employee and the person appointed as a substitute or on provisional basis on his completion of 240 days in a year cannot claim regularization of his employment as ED Agent. A copy of the judgement of the High Court of Karnataka is also enclosed. Management for these reasons and for some other reasons has prayed to reject the reference.

9. It is seen from the records that on behalf of the management MW1 is examined. His evidence is that he is looking after the General Supervision of the entire division and very recently he joined at Raichur. He says that first party was appointed as Extra Departmental Agent. He has also deposed about the duties of the workman. He says that first party was appointed on stop gap basis. There is established procedure for regular appointment. They are having recruitment rules.

10. Against this workman got examined himself as WW1. He said that he was appointed as EDA on 18th March, 1998 and he worked up to 30th April, 1999 continuously. He has produced some documents and they are marked in his evidence.

11. I have carefully perused the entire evidence and the documents filed by the parties. I have read the decisions cited by the parties. According to the appointment order of the workman he was appointed on provisional basis w.c.f. 18-3-1998. The fact that the first party workman working with them for more than 240 days continuously is not denied by the management.

12. MW1 has categorically stated in his cross examination that it is true that the first party workman has worked continuously for one and a half years. With this cross examination of MW1 it is clear that the workman has worked continuously for more than 240 days.

13. Admittedly in the instant case no charge sheet is given to the first party and no enquiry is held against

him. Mandatory provisions of Section 25(f) of the ID Act are not complied with. Therefore, I am of the opinion that the action of the management is not correct.

14. Accordingly to the notification, qualifications for the said post was to pass 8th standard and preference will be given to those who have passed SSLC Examination. In the Counter it is stated by the Second Party that they have removed the first party because he was not having required marks in SSLC. MW1 has stated in this cross examination that in the notice issued in fact that the percentage of SSLC is necessary factor is not shown. MW1 admits that no notice was given to the first party and no compensation was paid and no enquiry was held against the first party.

15. In the notification, Ex. W2 the required qualification was 8th standard. Surprisingly enough in the Counter the Second Party has said that the first party had secured only 295 out of 625 marks in SSLC and therefore, he could not be selected. All this would go to show that the management has not followed the correct procedure before terminating the first party from the service.

16. I have read the decisions relied by the parties. The facts of the case on hand are quite different from the facts of the above cases. Two decisions viz. 1998 LLR page 8 and 1998 LLR page 10 are relied by the management.

17. From the facts of this case it is clear that the workman has worked for more 240 days and there is no compliance of mandatory provisions under Section 25(f) of the ID Act and therefore, the action of the management is not correct. Accordingly I proceed to pass the following Order :

#### ORDER

The reference is party allowed. The Second Party is directed to take the first party on duty to the post to which he was appointed and his services can be regularised if he fulfills all the requirements. In the given circumstances no back wages are given.

(Dictated to PA transcribed by her corrected and signed by me on 7th May, 2002)

V. N. KULKARNI, Presiding Officer

नई दिल्ली, 24 मई, 2002

का.आ. 2025.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट (संदर्भ संख्या 8/94) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं. एल. 42012/152/92-आई. आर. (डी.यू.)]

कुलदीप राय वर्मा, डैस्क अधिकारी

New Delhi, the 24th May, 2002

**S.O. 2025.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/94) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-42012/152/92-IR (DU)]

KULDIP RAI VERMA, Desk Officer

# ANNEXURE

IN THE COURT OF SHRI M.S. GOEL, PRESIDING  
OFFICER, INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, (CENTRAL) CHANDIGARH

REF. NO. ID 8 OF 1994

Sh. Mohinder Paul

Workman

Versus

Bhakra Beas Management Board : Management

PRESENT :

For the Workman : Sh. R.K. Singh

For the Management : None

# AWARD

(Dated 8-1-2002)

The Central Govt. Ministry of Labour in exercise of power conferred on them under Section 10(1)(d) and Sub-section 2-A of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), vide their letter No. L-L-42012/152/92 I.R.(D.U.) dated 15-12-93 referred the following Industrial dispute to this Tribunal for adjudication :—

“Whether the action of the management of BBMB in terminating the services of Shri Mohinder Paul w.e.f. July, 1985 and not re-employing him subsequently is legal and justified? If not, what relief he is entitled to?”

2. The applicant in the claim statement pleaded that he was employed as helper on workcharge basis in the office of SDO Sector 52, Chandigarh on monthly wages of Rs. 850/- per month, on 21-10-1984 and his services were terminated on 25-7-1985 without any charge sheet or enquiry and his services were illegally terminated. He prayed for his reinstatement in service with full back wages.

3. The respondent in written statement has admitted the appointment but this appointment was against the deposit work of U.T. i.e. construction of new 66 KV Sub-Station Sector 52. It is pleaded that the services of the workman was terminated after giving 10 days notice. It is denied that any of his junior to his category was retained in service. He was called against the same deposit work

of U.T. Chandigarh Sector-52, but the worker never gave consent for it. It is specifically pleaded that after the completion of the deposit work of construction of 66 KV Sub-Station U.T. Chandigarh against which the workman was employed, his services were terminated on the completion of this project. The management prayed that there is no merit in the reference which deserves rejection.

4. The applicant filed rejoinder reiterating the claim made in the claim statement.

5. The applicant in evidence filed his affidavit Ex. W1 in which it is pleaded that Subhir Khan, Varinder Kumar, Sukhwinder Singh and Ashok Kumar was appointed were appointed on 2-4-1985, 12-4-1985, 11-5-1985 and 16-5-1985 respectively. In cross-examination the workman admitted offer of appointment Ex-M1 and documents Ex. M2 to Ex. M4 which bears his signatures. The management in evidence has only filed the affidavit of Shri P. P. Wahi but he has not appeared for cross-examination.

6. I have heard arguments on behalf of the workman and gone through the record of the case. Ex. M1 is appointment letter issued by the management to the workman for appointment in which he was appointed against the work of U.T. i.e. construction of new KV Sub-Station Sector 52 and it is clearly stipulated in the appointment letter that he is being appointed against a specific work and on completion of that work his services will be terminated without notice any time. Ex. M2 is arrival report submitted by the workman and Ex. M4 is the notice for termination of the services in which 10 days notice was given to the workman before termination of his services. Ex. M5 is the employment notice on daily wages. The rep. of the workman has argued that since the workman has completed more than 240 days of service during the one calendar year immediately before his termination and since no notice of 30 days and retrenchment compensation was given to the workman, he is to be reinstated in service with full back wages. He has also argued that juniors to the workman have been retained in service. ON bare perusal of the appointment letter Ex. M1 will go to show that the workman was appointed for specific job clearly mentioned in the appointment letter for completion of 66KV sub-station Sector 52 and his services were to be terminated without any notice. This type of appointment and termination is not covered under the term ‘retrenchment’ as being specific appointment against specific job it is excluded from the term retrenchment and it is clear case falls under exclusion clause (bb) of Section 2(oo) of the Industrial Disputes Act, 1947. The management was not bound to comply with the provisions of Section 25-F of the Act as it was not a retrenchment. More over the stand taken by the management in the written statment that no persons junior to the workman in his category was retained in service so the management has not violated any provisions



of Section 25-G&H of the Act. Ex. M5 is the notice for re-employment of the daily wagers but there was no response from the workman to the notice Ex. M5 and the workman never reported for duty on being deployed as daily wager in response to the notice Ex. M5.

7. In view of the discussions made in the earlier paras, the action of the management in terminating the services of Shri Mohinder Paul w.e.f. July 1985 and not re-employing him subsequently is legal and fully justified. The workman is not entitled to any relief. Central Government be informed.

Chandigarh  
8-1-2002.

S. M. GOEL, Presiding Officer

नई दिल्ली, 24 मई, 2002

का.आ. 2026.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण चंडीगढ़ के पंचाट (संदर्भ संख्या 82/90) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-5-2002 को प्राप्त हुआ था।

[सं. एल.-42012/154/89-डी.-2(बी)]

कुलदीप राय वर्मा, डेस्क अधिकारी

New Delhi, the 24th May, 2002

S.O.2026.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 82/90) of the Central Government Industrial Tribunal/Labour Court Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of B.B.M.B. and their workman, which was received by the Central Government on 24-5-2002.

[No. L-42012/154/89-D-2(B)]

KULDIP RAI VERMA, Desk Officer

ANNEXURE

IN THE COURT OF SHRI S. M. GOEL,  
PRESIDING OFFICER, INDUSTRIAL  
TRIBUNAL-CUM-LABOUR COURT (CENTRAL)  
CHANDIGARH

Ref. No. ID 82 of 1990

Shri Marish Kumar : Workman

Versus

Bhakra Beas Management : Management  
Board

PRESENT :

For the Workman : R.K. Singh

For the Management : Jyoti Kaushal

AWARD

(Dated : 3-1-2002)

The Central Govt. Ministry of Labour in exercise of powers conferred on them under Section 10(1)(d) and sub-section 2A of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred to as the Act), vide their letter No. L-42012/154/89-D-2(B) dated 5-7-1990 referred the following industrial dispute to this Tribunal for adjudication :—

“Whether the management of Bhakra Beas Management Board in relation to their O&M Division, Dhulkot in terminating the services of Shri Marish Kumar S/o. Shri Jeewan Dass work charge, T. Mate w.e.f. 25-7-1985 is just, fair and legal ? If not, what relief the concerned workman is entitled to and from what date ?”

2. The applicant in statement of claim pleaded that he was appointed as workcharge, T. mate on 17-10-1984 and his services were terminated on 25-7-1985. The work and conduct of the applicant was satisfactory and he was served only 10 days notice and no retrenchment compensation was paid to him. The management has also not complied with the provisions of Section 25-G of the I.D. Act and principle of first come last go was also not followed by the management and number of juniors whose name has been given in para 5 has been retained. Thus the management has adopted unfair labour practice. The applicant has prayed for reinstatement in service with full back wages.

3. In written statement preliminary objection has been taken that the applicant was appointed against a specific work and on the completion he has been disengaged with due notice. On merits the appointment of the applicant from 17-10-1984 to 25-7-1985 has been admitted but against the specific work of new 66KV Sub station Sector-52, Chandigarh on behalf of U.T. Chandigarh. And on completion of project his services were terminated in accordance with law. It is denied by the management that any junior has been retained in the service and principle of first come last go was

followed and the persons mentioned in the petition which were junior to the applicant were appointed specially on different works and in different capacities depending on their qualifications and suitability to the jobs.

4. The applicant filed replication reiterating the claim made in the claim statement. It is also stated that similarly placed workman in the case of ID 53/1987 has been given reinstatement with back wages.

5. In evidence the applicant filed his own affidavit as Ex. W1 and appointment letter Ex. W2 and other documents Ex. W3 to W6. The respondent filed the affidavit of P. P. Wahi as Ex. M1 and arrival report of the workman Ex. M2 and other documents Ex. M3 to Ex. M7.

6. I have heard the representative of the parties and gone through the record of the case.

7. Learned rep. of the workman has argued that the workman worked with the management from 17-10-1984 and his services were terminated on 25-7-1985 and he has completed more than 240 days of service with the management immediately before his termination, and at the time of termination of service only 10 days notice was given to the workman and no retrenchment compensation and one month notice or pay in lieu thereof has been given, the workman is entitled to be reinstated in service with full back wages. The argument put forth by the rep. of the management is that requisitioned against the specified work i.e. providing 66KV Sub Station Sector 52, Chandigarh and on completion of the specified work his services were terminated by giving 10 days notice. The project of the management against which the applicant was employed completed and there was no necessity of the services of the applicant on the project and his services were terminated. The services of the workman were terminated in accordance with the provisions of law and there was no violation of the provisions of Industrial Disputes Act, 1947. The rep. of the management further argued that the management has also not violated the provisions of Section 25-G of the Act as the management has been deploying the daily rated work force as per the directions of the Hon'ble H. P. High Court in the Writ Petition No. 27/88 Ram Piari Vs. B.B.M.B. There is no dispute regarding the number of days put in by the workman immediately before his termination. It was not disputed by the

management that workman has not put in 240 days of service before his termination in one calendar year. The management has relied on appointment letter Ex. W2 in which it has been clearly stipulated that the appointment of the applicant is against specific work of 66KV Sub Station Sector 52 Chandigarh and it is also specifically mentioned in the appointment letter that services can be terminated on the completion of work on which he was engaged without assigning any reasons and these terms and conditions were accepted by the workman and he joined the service of the management by giving joining report accepting the terms and conditions of the appointment letter. The rep. of the management has also argued that since the appointment was against the specified job and it is not covered under the term 'retrenchment' and it is specifically covered under the exclusion clause (bb) of Section 2(o) and thus it is not a retrenchment under the I.D. Act, 1947 and the management is not under any obligation to comply with the provisions of Section 25-F of the I.D. Act, 1947. In my considered opinion also, being the appointment is against the specific job, it is squarely covered under clause (bb) of Section 2(o) and it does not amount to retrenchment and the management is not under any obligation to pay retrenchment compensation and notice of one month or notice pay in lieu of notice. The management still gave the applicant 10 days notice which is sufficient and the management has not violated any provisions of the I.D. Act, 1947. Regarding the violation of Section 25-G, the management is deploying its daily rated work force in accordance with the policy framed in pursuance of the direction of the Hon'ble Himachal Pradesh High Court and thus the management has not violated the provisions of Section 25-G of the I.D. Act. Moreover the management has placed on record the copy of letter dated 23-10-1992 vide which the management wants to deploy daily wagers to carry out the work departmentally for the completion of the work. The workman never reported for this work. It also shows that the management has not violated any provisions of the Act.

8. In view of the discussions made in the earlier paras, the workman Marish Kumar is not entitled any relief. The reference is answered accordingly. Central Govt. be informed.

Chandigarh

S. M. GOEL, Presiding Officer